



28 November 2025

9(2)(a) privacy

9(2)(a) privacy

Official Information Request
Our Ref: OIA 2025-0104

I refer to your official information request received on 26 September 2025 for:

“I request the following under the OIA in relation to the development of the Public Service Amendment Bill:

All correspondence (including emails, meeting notes, and briefing material) between the Public Service Commission and Ministers or Ministerial offices, relating to:

- proposals requiring agencies to notify the Commissioner before commencing any serious misconduct investigation into senior leaders*
- provisions re-introducing Commissioner approval of “key position” appointments*
- removal of re-appointment provisions for chief executives*
- provisions enabling fixed-term appointments to the Policy Advisory Group (PAG)*

Any advice, analysis, or assessments prepared by or for the Commission on the above provisions, including any consideration of risks or constitutional implications”.

Information being released

Listed in the table below is correspondence between the Public Service Commission and the Minister for the Public Service’s office on the four areas outlined in your request. Also listed in the table are emails containing agency feedback on proposed amendments to the Public Service Bill, along with advice, analysis, and assessments from the Commission.

| Item | Date | Document Description | Decision |
|-------------|---------------|-------------------------------------------------------|------------------|
| 1 | 3 March 2025 | Email thread titled: RE: New Entry - # MoSR 2025-0160 | Released in part |
| 2 | 13 March 2025 | Email thread titled RE: New provisions for Bill | Released in part |

| | | | |
|----|---------------|------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 3 | 17 March 2025 | Email thread titled: RE: Update to proposals from Ministerial consultation -- RE: [IN-CONFIDENCE] Proposal 1458: Exemption granted | Released in part |
| 4 | 23 March 2025 | Email thread titled: RE: Amendments to the Public Service Act - privacy implications for discussion | Released in part |
| 5 | 30 May 2025 | Email thread titled: RE: Amendments to the Public Service Act - privacy implications for discussion | Released in part |
| 6 | 3 June 2025 | Email thread titled: RE: Amendments to the Public Service Act - privacy implications for discussion | Released in part |
| 7 | 10 June 2025 | Email thread titled: RE: Amendments to the Public Service Act - privacy implications for discussion | Released in part |
| 8 | 11 June 2025 | Email thread titled: RE: [IN-CONFIDENCE] RE: Public Service Act drafting | Released in part |
| 9 | 25 June 2025 | Email thread titled FW: [UNCLASSIFIED] Are you available for a quick catch up on teams around 3pm or 3.30 today? | Released in part |
| 10 | 30 June 2025 | Email thread titled: RE: [IN-CONFIDENCE] Ministry of Education feedback on - PSBA LEG Paper and Amendment Bill | Released in part |
| 11 | 1 July 2025 | Email thread titled: RE: [IN-CONFIDENCE] Consultation - PSBA LEG Paper and Amendment Bill | Released in part |
| 12 | 10 July 2025 | Email thread titled: RE: [UNCLASSIFIED] Are you available for a quick catch up on teams around 3pm or 3.30 today? | Released in part |

| | | | |
|----|----------------|-------------------------------------------------------------------------------------------|------------------|
| 13 | 28 July 2025 | Email thread titled: FW: Public Service Amendment Bill - steps to introduction | Released in part |
| 14 | 13 August 2025 | Email thread titled: FW: Question re PSAB - removal of CE "re-appointment" provisions | Released in part |
| 15 | 29 August 2025 | Email thread titled: FW: Query about certain aspects of the Public Service Amendment Bill | Released in part |
| 16 | 31 August 2025 | Email thread titled: RE: Draft report on CE appointment panels | Released in part |

I have decided to release the relevant parts of the documents listed above, subject to information being withheld under one or more of the following sections of the Official Information Act 1982 (OIA), as applicable:

- section 9(2)(a) – to protect the privacy of natural persons, including deceased people
- section 9(2)(g)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty
- section 9(2)(h) – maintain legal professional privilege.

In addition, some information has been deleted where it is not within the scope of your request or there is a duplication of emails.

We have also not included documents that we have deemed administrative in nature such as:

- emails providing copies of the advice to the Minister
- emails notifying reports have been returned to the Commission
- draft documents where we are releasing the final version of the document to you in this request.

Information publicly available

The following information is also covered by the part of your request for reports and aide memoires provided to the Minister for the Public Service on the four areas. These are publicly available on the Commission's website at the links provided for in the table below.

| Item | Date | Document Description | Website Address |
|------|-----------------|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 17 | 27 January 2025 | Report – 2025-0020 – Public Service Portfolio Legislation Programme 2025 | https://www.publicservice.govt.nz/assets/DirectoryFile/MoS-2025-0020-REPORT-Public- |

| | | | |
|----|------------------|-------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | Service-Portfolio-Legislation-Programme-2025.pdf |
| 18 | 3 February 2025 | Aide Memoire – 2025-0064 – Agenda – Discussion on scope for Public Service Amendment Bill | https://www.publicservice.govt.nz/assets/DirectoryFile/MoSR-2025-0064-AIDE-MEMOIRE-Agenda-Discussion-on-scope-for-Public-Service-Amendment-Bill.pdf |
| 19 | 5 February 2025 | Report – 2025-0085 – Scope of amendments to the Public Service Act 2020 | https://www.publicservice.govt.nz/assets/DirectoryFile/MoSR-2025-0085-REPORT-Scope-of-amendments-to-the-public-service-act.pdf |
| 20 | 19 February 2025 | Report – 2025-0135 – Draft papers and advice – Public Service Amendment Bill | https://www.publicservice.govt.nz/assets/DirectoryFile/MoSR-2025-0135-Report-Draft-papers-and-advice-Public-Service-Amendment-Bill.pdf |
| 21 | 28 February 2025 | Report – 2025-0160 – Final draft Cabinet papers for Ministerial Consultation | https://www.publicservice.govt.nz/assets/DirectoryFile/MoSR-2025-0160-REPORT-Final-draft-Cabinet-papers-for-ministerial-consultation.pdf |
| 22 | 14 March 2025 | Report – 2025-0228 – Public Service Act amendments – updated draft Cabinet papers | https://www.publicservice.govt.nz/assets/DirectoryFile/MoSR-2025-0228-REPORT-Public-Service-Act-amendments-updated-draft-Cabinet-papers.pdf |
| 23 | 19 March 2025 | Regulatory Impact Statement: Amendments to the Public Service Act 2020 | https://www.publicservice.govt.nz/assets/DirectoryFile/Regulatory-Impact-Statement-Amendment-to-the-Public-Service-Act-2020-PSC-March-2025.pdf |
| 24 | 21 March 2025 | Aide Memoire - 2025-0265 – Amendments to the Public Service Act 2020 – Cabinet discussion | https://www.publicservice.govt.nz/assets/DirectoryFile/MoSR-2025-0265-AIDE-MEMOIRE-Amendments-to-the-Public- |

| | | | |
|----|---------------|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | Service-Act-2020-Cabinet-discussion.pdf |
| 25 | 30 April 2025 | Report – 2025-0360 - Minor or Technical Amendments to the Public Service Act 2020 | https://www.publicservice.govt.nz/assets/DirectoryFile/MoSR-2025-0360-REPORT-Minor-or-Technical-Amendments-to-the-Public-Service-Act-2020.pdf |
| 26 | 6 May 2025 | Amendments to the Public Service Act 2020: Paper 1 – Clarifying the role and responsibilities of the Public Service | https://www.publicservice.govt.nz/assets/DirectoryFile/Cabinet-Paper-Public-Service-Act-Amendments-Paper-1.pdf |
| 27 | 6 May 2025 | Amendments to the Public Service Act 2020: Paper 2 – Driving improvements in performance | https://www.publicservice.govt.nz/assets/DirectoryFile/Cabinet-Paper-Public-Service-Act-Amendments-Paper-2.pdf |
| 28 | 6 May 2025 | Amendments to the Public Service Act 2020: Paper 3 – Breaking down silos | https://www.publicservice.govt.nz/assets/DirectoryFile/Cabinet-Paper-Public-Service-Act-Amendments-Paper-3.pdf |
| 29 | 4 June 2025 | Report – 2025-0486 - Further minor and technical amendments for the Public Service Amendment Bill | https://www.publicservice.govt.nz/assets/DirectoryFile/MoSR-2025-0486-REPORT-Further-minor-and-technical-amendments-for-the-Public-Service-Amendment-Bill.pdf |
| 30 | 11 June 2025 | Report – 2025-0506 - Public Service Act Amendments – Draft Cabinet paper and Bill | https://www.publicservice.govt.nz/assets/DirectoryFile/MoSR-2025-0506-REPORT-Public-Service-Act-Amendments-Draft-Cabinet-paper-and-Bill.pdf |
| 31 | 10 July 2025 | Report – 2025-0582 - Public Service Act Amendments – Cabinet paper and Bill for lodging | https://www.publicservice.govt.nz/assets/DirectoryFile/MoSR-2025-0582-REPORT-Public-Service-Act-Amendments-Cabinet-paper-and-Bill-for-lodging.pdf |

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|----|--------------|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 32 | 17 July 2025 | Report – 2025-0612 - Public Service Amendment Bill – Talking points for Cabinet and introduction material | https://www.publicservice.govt.nz/assets/DirectoryFile/MoSR-2025-0612-REPORT-Public-Service-Amendment-Bill-Talking-points-for-Cabinet-and-introduction-material.pdf |
|----|--------------|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Accordingly, I have refused your request for the documents listed in the above table under section 18(d) of the Official Information Act 1982 (OIA) on the grounds the information requested is or will soon be publicly available.

Some relevant information has been removed from documents listed in the above table and should continue to be withheld under the OIA, on the grounds described in the documents.

Information being withheld

There are additional documents covered by your request which are subject to the Select Committee process including parts of the drafting legislation process, that I have decided to withhold in full under the following sections of the OIA, as applicable:

- section 9(2)(f)(iv) – to maintain the current constitutional conventions protecting the confidentiality of advice tendered by Ministers and officials
- section 9(2)(g) – to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty
- section 9(2)(h) – to maintain legal professional privilege.

In making my decision, I have considered the public interest considerations in section 9(1) of the OIA.

If you wish to discuss this decision with us, please feel free to contact Enquiries@publicservice.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that we intend to publish this letter (with your personal details removed) and enclosed documents on the Te Kawa Mataaho Public Service Commission’s website.

Yours sincerely



Nicky Dirks

**Manager – Ministerial and Executive Services
Te Kawa Mataaho Public Service Commission**

From: [Callum Butler](#)
To: [Misty Mossman](#)
Cc: [Rodney Scott](#); [Stephanie Wyse](#); [Hannah Dewes](#); [MAES](#)
Subject: RE: New Entry - # MoSR 2025-0160
Date: Monday, 3 March 2025 4:11:49 pm
Attachments: [Draft Cabinet Paper 1 - Clarifying the role and responsibilities of the Public Service.docx](#)
[Draft Cabinet Paper 1 - Clarifying the role and responsibilities of the Public Service.pdf](#)
[Draft Cabinet Paper 3 - Breaking down silos.docx](#)
[image001.jpg](#)
[image002.png](#)
[image003.png](#)
[Draft Cabinet Paper 3 - Breaking down silos.pdf](#)

[IN-CONFIDENCE]

Hey Misty,

Hopefully these changes work – have added the examples into rec 5 paper 3, and adjusted para 13 paper 1 to remove the references to the subsequent papers (as these are mentioned again at para 15).

Let us know if you need anything else.

Cheers,
Callum

[IN-CONFIDENCE]

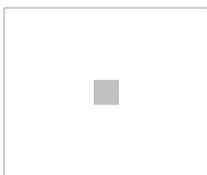
From: Misty Mossman <Misty.Mossman@parliament.govt.nz>
Sent: Monday, March 3, 2025 3:39 PM
To: Callum Butler <callum.butler@publicservice.govt.nz>
Cc: Rodney Scott <Rodney.Scott@publicservice.govt.nz>; Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>; Hannah Dewes <Hannah.Dewes@publicservice.govt.nz>; MAES <MAES@publicservice.govt.nz>
Subject: RE: New Entry - # MoSR 2025-0160

This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.

Yes rec 5 is the one thanks. Happy for CIOs to be included also – up to you.

Kind regards

Misty



Misty Mossman
Private Secretary (Public Service) | Office of Hon Judith Collins KC MP

Member of Parliament for Papakura
Attorney-General | Minister of Defence | Minister for Digitising Government | Minister for the Public Service |
Minister Responsible for the GCSB | Minister Responsible for the NZSIS | Minister for Space

Mobile: 9(2)(a) [privacy](#)
Email: Misty.Mossman@parliament.govt.nz Website: www.Beehive.govt.nz
Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

From: Callum Butler <callum.butler@publicservice.govt.nz>
Sent: Monday, 3 March 2025 3:36 PM
To: Misty Mossman <Misty.Mossman@parliament.govt.nz>
Cc: Rodney Scott <Rodney.Scott@publicservice.govt.nz>; Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>; Hannah Dewes <Hannah.Dewes@publicservice.govt.nz>; MAES <MAES@publicservice.govt.nz>

Subject: RE: New Entry - # MoSR 2025-0160

Hi Misty,

Yes we can make that change to para 13 in paper 1 (hangover from before the split, sorry).

Don't think paper 3 has a rec 16? We have a reference to CFOs at para 22, if we want it in the recs we could add it at rec 5.1?
Would we want to reference CIOs as well?

Cheers,
Callum

From: Misty Mossman <Misty.Mossman@parliament.govt.nz>
Sent: Monday, March 3, 2025 3:20 PM
To: Callum Butler <callum.butler@publicservice.govt.nz>
Cc: Rodney Scott <Rodney.Scott@publicservice.govt.nz>; Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>; Hannah Dewes <Hannah.Dewes@publicservice.govt.nz>; MAES <MAES@publicservice.govt.nz>
Subject: RE: New Entry - # MoSR 2025-0160

This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.

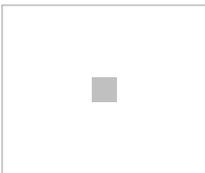
Good afternoon

Could we please add "chief financial officers" in as a specific example in recommendation 16 in paper 3?

Also, should para 13 in Cab paper 1 refer to the third Cab paper also?

Thanks

Misty



Misty Mossman

Private Secretary (Public Service) | Office of Hon Judith Collins KC MP

Member of Parliament for Papakura
Attorney-General | Minister of Defence | Minister for Digitising Government | Minister for the Public Service |
Minister Responsible for the GCSB | Minister Responsible for the NZSIS | Minister for Space

Mobile: 9(2)(a) privacy

Email: misty.mossman@parliament.govt.nz Website: www.Beehive.govt.nz
Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

out of scope

From: [Hugo Vitalis](#)
To: [Misty Mossman](#); [Callum Butler](#)
Cc: [MAES](#)
Subject: RE: New provisions for Bill
Date: Thursday, 13 March 2025 12:54:00 pm
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)

Yes we will work on it.

From: Misty Mossman
Sent: Thursday, March 13, 2025 11:35 AM
To: Hugo Vitalis ; Callum Butler
Cc: MAES
Subject: New provisions for Bill

This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.

Good morning

I've spoken to the Minister following her interview that included a discussion on harassment, and she would like the Public Service Amendment Bill to include:

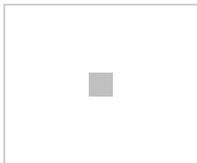
- Reporting obligations to the Commission for employment / code of conduct investigations involving senior leaders. This would enable monitoring and oversight of such investigations in real time.
- A more transparent regime around sanctions for code of conduct breaches.

This is from [MoSR 2024-0206 - REPORT - Lessons Learned from Harassment Case.docx](#)

Could you please include this in the draft Cabinet papers?

Thanks

Misty



Misty Mossman
Private Secretary (Public Service) | Office of Hon Judith Collins KC MP
Member of Parliament for Papakura
Attorney-General | Minister of Defence | Minister for Digitising Government | Minister for the Public Service | Minister Responsible for the GCSB | Minister Responsible for the NZSIS | Minister for Space
9(2)(a) privacy
Email: misty.mossman@parliament.govt.nz Website: www.Beehive.govt.nz
Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

From: Grahame Armstrong <Grahame.Armstrong@publicservice.govt.nz>
Sent: Wednesday, 12 March 2025 8:46 PM
To: Misty Mossman <Misty.Mossman@parliament.govt.nz>
Cc: Hugo Vitalis <Hugo.Vitalis@publicservice.govt.nz>; Ministerial Services <Ministerial.services@publicservice.govt.nz>; Nardine Sleeman <Nardine.Sleeman@publicservice.govt.nz>; Pete Fitzjohn <Pete.Fitzjohn@publicservice.govt.nz>; MAES <MAES@publicservice.govt.nz>
Subject: RE: Interview request

Here you go Misty:

TALKING POINTS

9(2)(g)(i) free and frank



From: [Adam Slater](#)
To: [Stephanie Wyse](#); [Harry Chapman](#)
Cc: [Bailey Smith](#)
Subject: RE: Update to proposals from Ministerial consultation -- RE: [IN-CONFIDENCE] Proposal 1458: Exemption granted
Date: Monday, 17 March 2025 1:08:22 pm

This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.

Kia ora Stephanie,

Hope you're getting on okay with your timeframes!

Please see comments below:

| | |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Integrity and conduct | Under s 17(1), the Commissioner may set standards (for example, a code of conduct); proposal to strengthen this provision to 'must' issue such standards (since without such standards there would be no consistent mechanism for holding public servants to account). <i>Exempt, minor impacts.</i> |
| | Agencies be required to notify the Public Service Commissioner when they commence a misconduct or serious misconduct investigation in relation to senior Public Service leaders. <i>Exempt, limited impacts.</i> |
| | Agencies be required to report annually to the Public Service Commissioner on the outcomes of misconduct and serious misconduct investigations ceased or concluded in the past year and that the Commissioner publish a report on this information. <i>This is likely to only be tier 1 and 2 currently and therefore this would be exempt – limited impacts. If it were extended, however, to an anonymised version including all public sector staff, it would be exempt - minor impacts.</i> |
| Lines of accountability | Remove Interdepartmental Executive Boards, Functional Chief Executives and Departmental Agencies from the Act, to continue in their current form until appropriate transitional arrangements are made. <i>Exempt, minor impacts.</i> |

The rationale for the minor impacts exemptions being that, as the name suggests, minor impacts across a larger group of people (anonymised reporting on misconduct etc, potentially..) however, with the comparatively greater impacts on reporting tier 1 and 2 misconduct investigations and outcomes to a central agency being constrained to comparatively fewer individuals, this is more limited impacts territory.

Wording for limited impacts proposals: *"The Ministry for Regulation has determined that this proposal is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that the proposal has economic, social or environmental impacts are that limited and easy to assess."*

Wording for minor impacts: *"The Ministry for Regulation has determined that this proposal is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that the proposal has no or only minor economic, social or environmental impacts."*

Finally, if you have any other questions please feel free to sing out.

Mauri ora,

Adam Slater (he/him)

Regulatory Policy Design

Ministry for Regulation

phone : Out Of [redacted] | email: adam.slater@regulation.govt.nz

From: Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>

Sent: Friday, 14 March 2025 2:46 pm

To: Harry Chapman <Harry.Chapman@regulation.govt.nz>; Adam Slater <Adam.Slater@regulation.govt.nz>

Subject: Update to proposals from Ministerial consultation -- RE: [IN-CONFIDENCE] Proposal 1458: Exemption granted

Importance: High

Kia ora kōrua,

We finished consultation on the draft Cabinet papers today, and new proposals (and tweaks of existing) have emerged through Ministerial consultation. I would be grateful if you could let me know if they require impact analysis?

We have sent the updated draft Cabinet papers to the Minister's Office and are due to lodge final versions on Thursday 20th, so are on a very tight timeline!

I have tracked changes as I know them into a new working document in RIAOnline, but pasted the relevant rows (for new proposals) below as a quick reference:

[Public Service Act 2020 amendments – summary for RIA discussion - 14 March.docx](#)

Let me know if you need more details?

| | |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Integrity and conduct | Under s 17(1), the Commissioner may set standards (for example, a code of conduct); proposal to strengthen this provision to 'must' issue such standards (since without such standards there would be no consistent mechanism for holding public servants to account). |
| | Agencies be required to notify the Public Service Commissioner when they commence a misconduct or serious misconduct investigation in relation to senior Public Service leaders. |
| | Agencies be required to report annually to the Public Service Commissioner on the outcomes of misconduct and serious misconduct investigations ceased or concluded in the past year and that the Commissioner publish a report on this information |
| Lines of accountability | Remove Interdepartmental Executive Boards, Functional Chief Executives and Departmental Agencies from the Act, to continue in their current form until appropriate transitional arrangements are made. |

Ngā mihi,
Stephanie

From: RIA Online <ria.online@regulation.govt.nz>

Sent: Tuesday, 25 February 2025 4:40 pm

To: Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>

Cc: Callum Butler <callum.butler@publicservice.govt.nz>; Hannah Dewes <hannah.dewes@publicservice.govt.nz>

Subject: [IN-CONFIDENCE] Proposal 1458: Exemption granted

Importance: Low

This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.

[IN-CONFIDENCE]

A response has now been provided for the exemption request relating to your proposal: Public Service Act 2020 – reform and amendment

Thank you for submitting this exemption application. Based on the information provided, the RIA team considers that this proposal is exempt from Cabinet's impact analysis requirements.

Wording to insert in the Impact Analysis Section of the Cabinet paper

The Ministry for Regulation has determined that a number of proposals in this paper are exempt from the requirement to provide a Regulatory Impact Statement. The exemptions are on the grounds that the proposals have no or only minor economic, social, or environmental impacts given the changes are to the internal administrative or governance arrangements of the New Zealand government.

A Regulatory Impact Statement has been prepared for the remaining proposals and is attached.

[Insert comment from PSC QA panel]

Conditions on the exemption:

N/A

If you requested an exemption for the entire proposal, it will now be marked as complete. Otherwise, click the link below to continue to the next step of the RIA process.

<https://regulationgovtnz.sharepoint.com/sites/RiaOnline/ layouts/15/listform.aspx?PageType=4&ListId=f9ba45c3%2D9c00%2D4289%2Db482%2D9dd252c67fc0&ID=1458&ContentTy peID=0x0100C3D6F10B19218C43BEDB3EBC47F871A1007ABB9EF8C2F07349AA915599ECD415D E>

.....
Confidentiality notice: This email may be confidential or legally privileged. If you have received it by mistake, please tell the sender immediately by reply, remove this email and the reply from your system, and don't act on it in any other way. Ngā mihi.

.....
Confidentiality notice: This email may be confidential or legally privileged. If you have received it by mistake, please tell the sender immediately by reply, remove this email and the reply from your system, and don't act on it in any other way. Ngā mihi.

.....
Confidentiality notice: This email may be confidential or legally privileged. If you have received it by mistake, please tell the sender immediately by reply, remove this email and the reply from your system, and don't act on it in any other way. Ngā mihi.

From: [Eve Kennedy](#)
To: [Stephanie Wyse](#)
Cc: [Callum Butler](#); [Amuri Hughey-Cockerell](#); [James McKeown](#)
Subject: RE: Amendments to the Public Service Act - privacy implications for discussion
Date: Friday, 23 May 2025 11:37:37 am
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)

This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.

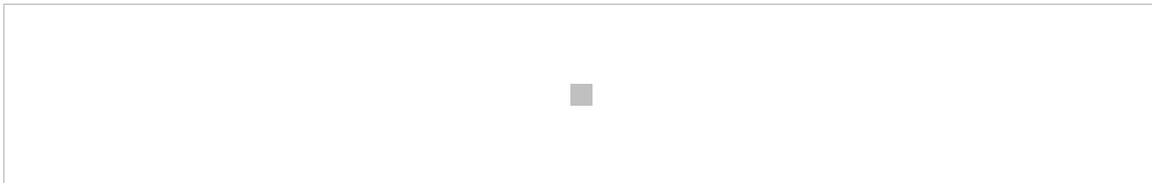
Kia ora Stephanie – thanks for getting in touch and sending the Paper and minutes over.

Happy to discuss – would a meeting be easiest for you? I'm free Monday and Tuesday 12:30 – 3pm next week, Thursday after 2:30 or Friday after 11. Happy to meet in person or online.

Cheers

Eve

Eve Kennedy, Manager – Policy
Office of the Privacy Commissioner Te Mana Mātāpono Matatapu
PO Box 10094, The Terrace, Wellington 6143
Level 11, Grant Thornton building, 215 Lambton Quay, Wellington, New Zealand
privacy.org.nz



From: Katrine Evans <Katrine.Evans@privacy.org.nz>
Sent: Friday, 23 May 2025 9:39 am
To: Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>; Clare Ruru <Clare.Ruru@privacy.org.nz>; Policy <Policy@privacy.org.nz>
Cc: Callum Butler <callum.butler@publicservice.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>; James McKeown <James.McKeown@publicservice.govt.nz>; Eve Kennedy <Eve.Kennedy@privacy.org.nz>
Subject: RE: Amendments to the Public Service Act - privacy implications for discussion

Kia ora Stephanie

Thanks so much for sending this through. Eve Kennedy (ccd) is our new permanent policy team manager, but I've also copied in our general Policy in-box (which is the fail-safe way to get hold of the team) to make sure this work can be picked up for you.

Best wishes and good luck!

Katrine

From: Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>
Sent: Friday, 23 May 2025 9:23 am
To: Katrine Evans <Katrine.Evans@privacy.org.nz>; Clare Ruru <Clare.Ruru@privacy.org.nz>
Cc: Callum Butler <callum.butler@publicservice.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>; James McKeown <James.McKeown@publicservice.govt.nz>
Subject: Amendments to the Public Service Act - privacy implications for discussion

Kia ora Katrine, Clare,

I am working on amendments to the Public Service Act 2020. PCO has started drafting and recommended we engage with OPC on two proposals (re: notifying and reporting misconduct matters) to inform drafting;

- that agencies be required to notify the Commissioner when they commence a misconduct or serious misconduct investigation in relation to senior Public Service leaders;
- that agencies be required to report annually to the Commissioner on the outcomes of misconduct and serious misconduct investigations ceased or concluded in the past year, and that the Commissioner publish a report on this information.

See: [Cabinet-Paper-Public-Service-Act-Amendments-Paper-2.pdf](#) – Paragraphs 40-44 and recs/minutes 13, 14.

We are on a tight timeline (LEG paper for consultation by end June), so I am reaching out to you for assistance in finding the right person to speak to very soon. It would be useful to have a discussion about scope, level of detail in the notification/reporting, and any flow-on design implications.

Ngā mihi,
Stephanie

Stephanie Wyse

Kaitohutohu Mātāmua | Principal Advisor
Rautaki, Kaupapahere me te Ngākau Pono | Strategy, Policy and Integrity group

Waea pūkoro: 9(2)(a) | Īmēra: stephanie.wyse@publicservice.govt.nz



Te Kawa Mataaho Public Service Commission
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From: [Stephanie Wyse](#)
To: [Callum Butler](#); [Amuri Hughey-Cockerell](#); [James McKeown](#)
Bcc: [Stephanie Wyse](#)
Subject: RE: Amendments to the Public Service Act - privacy implications for discussion
Date: Tuesday, 3 June 2025 8:53:00 am
Attachments: [image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)

Mōrena koutou,

As promised, Kate sketched out some further bullet points into document I started for our discussion with OPC last week: [Talking points OPC discussion - sketch out of policy proposal.docx](#) (it's now saved in the Act SharePoint folders, rather than my OneDrive – use this link from now on).

FYI, Kate said ---

- *PSA reforms – I've updated the bullet points with my thoughts re the policy behind notification and reporting requirements. If you (or Radhika) could work through the bullet points with Amuri and the working group to share with our PSC working group, that will really help legal with their drafting instructions and conversations with the Privacy Commissioner. Please loop in Fran, because she's been involved in all the same cases as me.*

I have dropped OPC's questions/feedback into the same document, with space for analysis/response summaries, and will find some time with James & Amuri this week to work through it.

Stephanie

From: Stephanie Wyse
Sent: Friday, 30 May 2025 3:35 pm
To: Kate Salmond <Kate.Salmond@publicservice.govt.nz>
Subject: FW: Amendments to the Public Service Act - privacy implications for discussion

If you haven't finished your bullet points updates on the reporting/notifications amendment policy rationale, AND you have time, feel free to consider these as you update...

Stephanie

From: Eve Kennedy <Eve.Kennedy@privacy.org.nz>
Sent: Friday, 30 May 2025 2:54 pm
To: Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>
Cc: Callum Butler <callum.butler@publicservice.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>; James McKeown <James.McKeown@publicservice.govt.nz>; Joanna Hayward <Joanna.Hayward@privacy.org.nz>
Subject: RE: Amendments to the Public Service Act - privacy implications for discussion

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Kia ora koutou, thanks for the meeting earlier this week.

I've included some questions below for you to consider as you proceed through drafting the amendment. Ordinarily we would be providing this feedback on Cabinet papers at Policy stage or pre-Policy but the questions will still be relevant in considering how to draft the provisions.

To summarise, I understand that you are progressing two key proposals that relate to information sharing in a Public Service Amendment Bill.

1. Requiring public service agencies to share information contemporaneously about public service tier 2s who are the subject of misconduct or serious misconduct investigations, so that PSC can support and advise the Chief Executive responsible for the investigation on how to handle it appropriately – e.g. provide the right support to complainant, draft an appropriate Terms of Reference, etc
2. Requiring public service agencies to share aggregated information on a yearly basis about the number of misconduct investigations concluded in that year, for the purpose of maintaining trust and confidence in the system. While there are privacy impacts associated with the proposal, I've focused on the first proposal as discussed today.

Proposal 1: sharing information about Tier 2s
Feedback and questions to consider

- OPC are concerned about whether the collection of personal information is necessary to achieve the objective:
 - Can it be achieved by collecting non-personal information? i.e. sharing the cause /type of the investigation
 - If not, what information is necessary to achieve the objective, and what is not required? What level of information sharing is expected, and can it be justified?
- How will PSC know that the objective has been achieved, and the policy intervention is effective? If it's not effective, the provision of personal information may be unnecessary.
 - What about the risks of agencies deferring formal investigations from being opened so as to prevent notification to PSC?
 - We understand that PSC's role will be to advise CEs on how to follow good processes with the investigations – what will happen if the advice is not followed?

- How will affected individuals be informed of the provision of information to PSC?
- What will PSC do with the personal information? Will it be re-used? How long will it be retained for?
 - Information handling within PSC: how will confidentiality be maintained and quarantined?
 - Further disclosure, including to Ministers: is it anticipated that the information will be shared with Ministers? If so, on what basis? OPC developed guidance on the information sharing between [Ministers and Departments](#) (PSC was consulted) - e.g. the No Surprises principle in and of itself is not a legal mechanism to rely on to share personal information in ways that otherwise do not comply with the Privacy Act (ref para [3.1]).

Turning to the legislation design:

- What IPPs are particularly relevant? E.g. for the first proposal, presumably IPPs 2, 10, 11
 - Is it possible to comply with each of these as they stand? If not, why not?
 - You will need to consider what mechanisms are required to support public sector agencies to disclose the necessary personal information to PSC. The starting point is that they need to have a lawful basis to share the personal information with the PSC. An empowering provision that disappplies the Privacy Act to some extent is one mechanism. It is also worth considering whether disclosure into PSC could be considered directly related to the purpose for which the information was collected (e.g. if employees are informed that information collected about employee performance, investigations etc might need to be shared). This is provided for in IPP 11(1)(a) but will depend on the circumstances of what each agency has specified they will do with personal information when an investigation is commenced.
 - What IPPs can't be complied with and are there other avenues for sharing or should the IPP(s) be displaced?
 - If proposing to displace the IPPs, we encourage agencies to be specific about which they are displacing and why – targeting the exemption from the Privacy Act to be as limited as possible
 - Agencies should also consider whether they are restricting the grounds on which information can be shared (e.g. displacing IPP 11 as a whole), or broadening them by providing an additional mechanism for provision of information. I've assumed the latter which would mean the IPP exceptions could still be relied upon to share information on a case-by-case basis where the grounds of the exception(s) are met.
- Is s 24 of the Privacy Act sufficient to explain the relationship between the proposed provision and the Privacy Act or should the relationship be explicitly clarified?

Safeguards for consideration:

- Should the purposes for which the information be able to be used by PSC be restricted / set out in the provision? While less flexible, this would be a privacy protective approach and recognise the sensitivity of the information.
- Likewise with the retention period, should it be specified? What will happen with the information if the individual is cleared as a result of the investigation?
- What is the threshold for disclosure – this should be high enough to prevent overreporting of highly sensitive information to PSC.

Proposal two: agencies reporting aggregate statistics about investigations completed

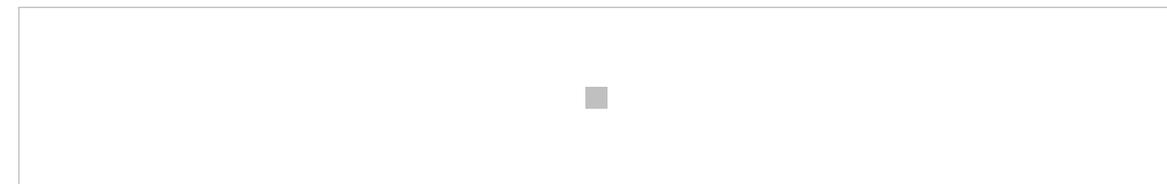
We understand from the paper that transparency is the objective, and reporting is limited to final outcomes. We assume it will exclude investigations where an individual resigns before the investigation is commenced, although we assume from the reference to investigations "ceased" that it will include investigations commenced but not concluded, is this correct? While this proposal relates to numbers of investigations ceased or concluded, there is still the risk that some identifiable information is provided, for example where investigation numbers are low.

We'd be happy to have a further meeting with you once you've had an opportunity to consider the questions above, or else we would be happy to review material as you progress with drafting instructions.
Thanks,

Eve

Eve Kennedy, Manager – Policy

Office of the Privacy Commissioner Te Mana Mātāpono Matatapu
PO Box 10094, The Terrace, Wellington 6143
Level 11, Grant Thornton building, 215 Lambton Quay, Wellington, New Zealand
privacy.org.nz



From: Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>

Sent: Friday, 23 May 2025 1:31 pm

To: Eve Kennedy <Eve.Kennedy@privacy.org.nz>

Cc: Callum Butler <callum.butler@publicservice.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>; James McKeown <James.McKeown@publicservice.govt.nz>

Subject: RE: Amendments to the Public Service Act - privacy implications for discussion

Kia ora Eve,

Thanks so much for the quick reply. It looks like Tuesday might work well for us if we meet online. Invitation to follow shortly.

Stephanie

From: Eve Kennedy <Eve.Kennedy@privacy.org.nz>
Sent: Friday, 23 May 2025 11:37 am
To: Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>
Cc: Callum Butler <callum.butler@publicservice.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>; James McKeown <James.McKeown@publicservice.govt.nz>
Subject: RE: Amendments to the Public Service Act - privacy implications for discussion

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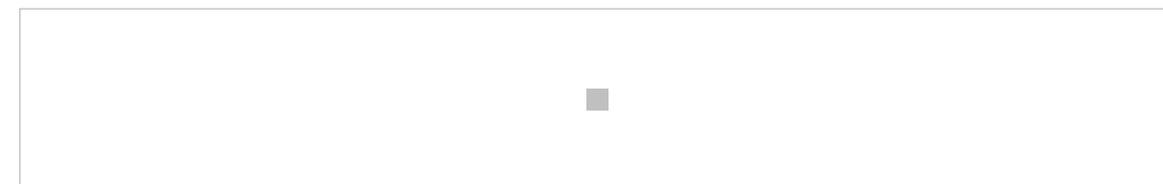
Kia ora Stephanie – thanks for getting in touch and sending the Paper and minutes over.

Happy to discuss – would a meeting be easiest for you? I'm free Monday and Tuesday 12:30 – 3pm next week, Thursday after 2:30 or Friday after 11. Happy to meet in person or online.

Cheers

Eve

Eve Kennedy, Manager – Policy
Office of the Privacy Commissioner Te Mana Mātāpono Matatapu
PO Box 10094, The Terrace, Wellington 6143
Level 11, Grant Thornton building, 215 Lambton Quay, Wellington, New Zealand
privacy.org.nz



From: Katrine Evans <Katrine.Evans@privacy.org.nz>
Sent: Friday, 23 May 2025 9:39 am
To: Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>; Clare Ruru <Clare.Ruru@privacy.org.nz>; Policy <Policy@privacy.org.nz>
Cc: Callum Butler <callum.butler@publicservice.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>; James McKeown <James.McKeown@publicservice.govt.nz>; Eve Kennedy <Eve.Kennedy@privacy.org.nz>
Subject: RE: Amendments to the Public Service Act - privacy implications for discussion

Kia ora Stephanie

Thanks so much for sending this through. Eve Kennedy (ccd) is our new permanent policy team manager, but I've also copied in our general Policy in-box (which is the fail-safe way to get hold of the team) to make sure this work can be picked up for you.

Best wishes and good luck!

Katrine

From: Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>
Sent: Friday, 23 May 2025 9:23 am
To: Katrine Evans <Katrine.Evans@privacy.org.nz>; Clare Ruru <Clare.Ruru@privacy.org.nz>
Cc: Callum Butler <callum.butler@publicservice.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>; James McKeown <James.McKeown@publicservice.govt.nz>
Subject: Amendments to the Public Service Act - privacy implications for discussion

Kia ora Katrine, Clare,

I am working on amendments to the Public Service Act 2020. PCO has started drafting and recommended we engage with OPC on two proposals (re: notifying and reporting misconduct matters) to inform drafting;

- that agencies be required to notify the Commissioner when they commence a misconduct or serious misconduct investigation in relation

to senior Public Service leaders;

- that agencies be required to report annually to the Commissioner on the outcomes of misconduct and serious misconduct investigations ceased or concluded in the past year, and that the Commissioner publish a report on this information.

See: [Cabinet-Paper-Public-Service-Act-Amendments-Paper-2.pdf](#) – Paragraphs 40-44 and recs/minutes 13, 14.

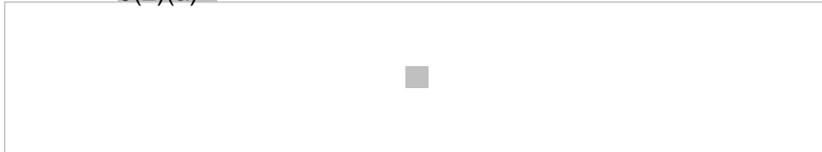
We are on a tight timeline (LEG paper for consultation by end June), so I am reaching out to you for assistance in finding the right person to speak to very soon. It would be useful to have a discussion about scope, level of detail in the notification/reporting, and any flow-on design implications.

Ngā mihi,
Stephanie

Stephanie Wyse

Kaitohutohu Mātāmua | Principal Advisor
Rautaki, Kaupapahere me te Ngākau Pono | Strategy, Policy and Integrity group

Waea pūkoro: 9(2)(a)  Īmēra: stephanie.wyse@publicservice.govt.nz



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From: [Stephanie Wyse](#)
To: [Eve Kennedy](#)
Cc: [Callum Butler](#); [Amuri Hughey-Cockerell](#); [James McKeown](#); [Joanna Hayward](#)
Subject: RE: Amendments to the Public Service Act - privacy implications for discussion
Date: Tuesday, 10 June 2025 10:27:00 am
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Kia ora Eve,

Many thanks again for your feedback and questions, which helped us to work through our thinking and questions for drafting. We've noted down some brief comments to your questions below (red text).

I'd welcome a conversation if you have any further questions or concerns at this stage, though we have a limited opportunity to make changes prior to consultation - we will include you when we go out for departmental consultation, and keep the lines of communication open if and when further questions emerge as we finalise drafting.

Ngā mihi,
Stephanie

Proposal 1: sharing information about Tier 2s

Feedback and questions to consider

- OPC are concerned about whether the collection of personal information is necessary to achieve the objective:
 - Can it be achieved by collecting non-personal information? i.e. sharing the cause /type of the investigation
 - If not, what information is necessary to achieve the objective, and what is not required? What level of information sharing is expected, and can it be justified?

Drafting will reflect that the notification be made by the chief executive to the Commissioner, in order that oversight and advice can be provided on the interpretation and application of standards and guidance relating to integrity and conduct. In order to comply with IPP1, we will only receive from the chief executive the amount of personal information required to fulfil the function of providing that advice – in practice the amount/nature of information shared will depend on the case, and we will encourage chief executives to only share what's needed and seek permission/inform those impacted as appropriate.

- How will PSC know that the objective has been achieved, and the policy intervention is effective? If it's not effective, the provision of personal information may be unnecessary.
 - What about the risks of agencies deferring formal investigations from being opened so as to prevent notification to PSC?

Drafting will reflect that the notification be made by the chief executive to the Commissioner, in order that oversight and advice can be provided to the chief executive on the interpretation and application of standards and guidance relating to integrity and conduct. We have reviewed the timing of the notification and received Minister's approval to amend to "before commencing" rather than "when they commence". This mitigates the risk of agencies deferring opening an investigation. We do not expect that agencies will avoid notifying the Commissioner.

- We understand that PSC's role will be to advise CEs on how to follow good processes with the investigations – what will happen if the advice is not followed?

We also have employment levers with chief executives – not following advice and then having a poor investigation outcome may be reflected in their performance review. Conversely, we would also recognise good outcomes / upholding standards of integrity and conduct in line with performance expectations.

- How will affected individuals be informed of the provision of information to PSC?

We expect this to be embedded into agency processes around making complaints (generic) and at the point of receiving/considering an allegation (specific). We are currently preparing guidance on good complaints management.

- What will PSC do with the personal information? Will it be re-used? How long will it be retained for?
 - Information handling within PSC: how will confidentiality be maintained and quarantined?

Drafting will reflect that the information is collected so that the Commission can provide oversight and advice to the chief executives on the interpretation and application of standards and guidance related to integrity and conduct. The information won't be re-used for other purposes. Information will be retained in accordance with legal requirements. We have established practices for maintaining confidentiality on sensitive matters.

- Further disclosure, including to Ministers: is it anticipated that the information will be shared with Ministers? If so, on what basis? OPC developed guidance on the information sharing between Ministers and Departments (PSC was consulted) - e.g. the No Surprises principle in and of itself is not a legal mechanism to rely on to share personal information in ways that otherwise do not comply with the Privacy Act (ref para [3.1]).

If and when information is shared with Ministers, normal practices for maintaining privacy of individuals will be observed.

Turning to the legislation design:

- What IPPs are particularly relevant? E.g. for the first proposal, presumably IPPs [2](#), [10](#), [11](#)
 - Is it possible to comply with each of these as they stand? If not, why not?
 - What IPPs can't be complied with and are there other avenues for sharing or should the IPP(s) be displaced?

We consider it possible to comply with each of the IPPs. In relation to IPPs 2, 10 and 11:

- IPP 2: Information about the persons concerned (complainant, Tier 2) may be collected by chief executives and shared to us. It would be inappropriate for us to collect information directly from the complainant or the person potentially being investigated. Relying upon IPP2 (2)(f) means no breach.
- IPP 10: The Commission would not use the personal information received through this notification for any other purpose.
- IPP 11: The Commission will not disclose the information to any other agency or other person unless one of the exceptions applies.
- Is s 24 of the Privacy Act sufficient to explain the relationship between the proposed provision and the Privacy Act or should the relationship be explicitly clarified?

We have considered, and s24 is sufficient.

Safeguards for consideration:

- Should the purposes for which the information be able to be used by PSC be restricted / set out in the provision? While less flexible, this would be a privacy protective approach and recognise the sensitivity of the information.

Drafting will reflect the Commission's role which is to provide oversight and advice to the chief executive on the interpretation and application of standards and guidance related to integrity and conduct.

- Likewise with the retention period, should it be specified? What will happen with the information if the individual is cleared as a result of the investigation?

We will consider this in implementation. Information will be retained in accordance with legal requirements.

- What is the threshold for disclosure – this should be high enough to prevent overreporting of highly sensitive information to PSC.

The threshold is set by scope, which drafting will reflect - notification provision is limited to Tier 2 public servants, and misconduct or serious misconduct investigation. As above, we expect that personally identifiable information will only be provided where the context requires it.

Proposal two: agencies reporting aggregate statistics about investigations completed

We understand from the paper that transparency is the objective, and reporting is limited to final outcomes.

We expect that the reporting will be at summary level. Drafting will reflect that the Commission may provide guidance on the reporting, including format. The detail of what will need to be provided, at what level of detail will be determined in implementation, with reference to IPP.

We assume it will exclude investigations where an individual resigns before the investigation is commenced, although we assume from the reference to investigations "ceased" that it will include investigations commenced but not concluded, is this correct?

Yes. We note that the Commissioner's Workforce Assurance Model Standards expect that investigations should be concluded (see [link p6](#)):

Once an employee's notice period is completed there is no longer an employment or contractual relationship and the disciplinary process ceases, however an investigation can continue. An organisation should consider inviting the employee to stay (including possibly retaining them on the payroll) until the disciplinary process or investigation is concluded.

Where the employee or contractor leaves, they are informed the investigation will conclude with a record made, and that this record may be disclosed to future employers. The person should be given the opportunity to add their own statement to this record. Exceptions to this are where there are compelling and documented reasons not to conclude the investigation and specialist advice and authorisation by the organisation's chief executive is obtained.

If serious misconduct by an employee is found after the person has left the organisation, the organisation should consider whether any reference given by the organisation for that person which resulted in employment should be corrected. This may include informing the ex-employee and giving them the opportunity to respond to the investigation.

While this proposal relates to numbers of investigations ceased or concluded, there is still the risk that some identifiable information is provided, for example where investigation numbers are low.

While we expect to receive summary data from agencies, we accept that for small agencies this may result in personally identifiable information.

Drafting will reflect that the Commissioner will report annually using this information. Where information from agency reports are aggregated into a system report, we would apply our data and reporting standards to ensure no personally identifiable information is included. (We are currently working through this for the Public Service Census results, including on sensitive matters, and feel confident it's manageable).

From: Eve Kennedy <Eve.Kennedy@privacy.org.nz>

Sent: Friday, 30 May 2025 2:54 pm

To: Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>

Cc: Callum Butler <callum.butler@publicservice.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>; James McKeown <James.McKeown@publicservice.govt.nz>; Joanna Hayward <Joanna.Hayward@privacy.org.nz>

Subject: RE: Amendments to the Public Service Act - privacy implications for discussion

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To summarise, I understand that you are progressing two key proposals that relate to information sharing in a Public Service Amendment Bill.

1. Requiring public service agencies to share information contemporaneously about public service tier 2s who are the subject of misconduct or serious misconduct investigations, so that PSC can support and advise the Chief Executive responsible for the investigation on how to handle it appropriately – e.g. provide the right support to complainant, draft an appropriate Terms of Reference, etc
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Proposal 1: sharing information about Tier 2s Feedback and questions to consider

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 - What IPPs can't be complied with and are there other avenues for sharing or should the IPP(s) be displaced?
 - If proposing to displace the IPPs, we encourage agencies to be specific about which they are displacing and why – targeting the exemption from the Privacy Act to be as limited as possible
 - Agencies should also consider whether they are restricting the grounds on which information can be shared (e.g. displacing IPP 11 as a whole), or broadening them by providing an additional mechanism for provision of information. I've assumed the latter which would mean the IPP exceptions could still be relied upon to share information on a case-by-case basis where the grounds of the exception(s) are met.
- Is s 24 of the Privacy Act sufficient to explain the relationship between the proposed provision and the Privacy Act or should the relationship be explicitly clarified?

Safeguards for consideration:

- Should the purposes for which the information be able to be used by PSC be restricted / set out in the provision? While less flexible, this would be a privacy protective approach and recognise the sensitivity of the information.
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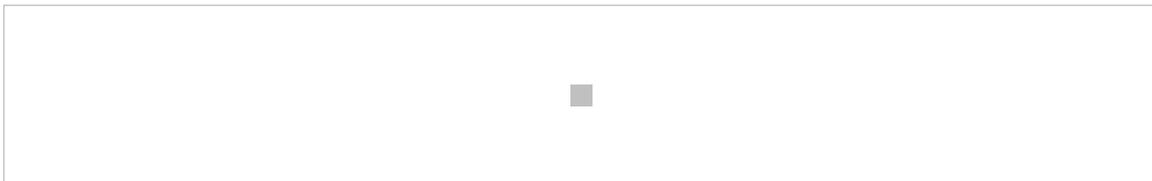
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We'd be happy to have a further meeting with you once you've had an opportunity to consider the questions above, or else we would be happy to review material as you progress with drafting instructions.

Thanks,

Eve

Eve Kennedy, Manager – Policy
Office of the Privacy Commissioner Te Mana Mātāpono Matatapu
 PO Box 10094, The Terrace, Wellington 6143
 Level 11, Grant Thornton building, 215 Lambton Quay, Wellington, New Zealand
privacy.org.nz



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Sent: Friday, 23 May 2025 1:31 pm
To: Eve Kennedy <Eve.Kennedy@privacy.org.nz>
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Subject: RE: Amendments to the Public Service Act - privacy implications for discussion

Kia ora Eve,

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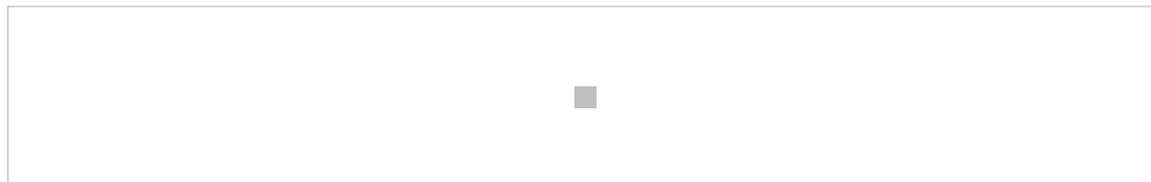
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Cheers

Eve

Eve Kennedy, Manager – Policy
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From: Katrine Evans <Katrine.Evans@privacy.org.nz>
Sent: Friday, 23 May 2025 9:39 am
To: Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>; Clare Ruru <Clare.Ruru@privacy.org.nz>; Policy <Policy@privacy.org.nz>
Cc: Callum Butler <callum.butler@publicservice.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>; James McKeown <James.McKeown@publicservice.govt.nz>; Eve Kennedy <Eve.Kennedy@privacy.org.nz>
Subject: RE: Amendments to the Public Service Act - privacy implications for discussion

Kia ora Stephanie

Thanks so much for sending this through. Eve Kennedy (cd) is our new permanent policy team manager, but I've also copied in our general Policy in-box (which is the fail-safe way to get hold of the team) to make sure this work can be picked up for you.

Best wishes and good luck!

Katrine

From: Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>
Sent: Friday, 23 May 2025 9:23 am
To: Katrine Evans <Katrine.Evans@privacy.org.nz>; Clare Ruru <Clare.Ruru@privacy.org.nz>
Cc: Callum Butler <callum.butler@publicservice.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>; James McKeown <James.McKeown@publicservice.govt.nz>

Subject: Amendments to the Public Service Act - privacy implications for discussion

Kia ora Katrine, Clare,

I am working on amendments to the Public Service Act 2020. PCO has started drafting and recommended we engage with OPC on two proposals (re: notifying and reporting misconduct matters) to inform drafting;

- that agencies be required to notify the Commissioner when they commence a misconduct or serious misconduct investigation in relation to senior Public Service leaders;
- that agencies be required to report annually to the Commissioner on the outcomes of misconduct and serious misconduct investigations ceased or concluded in the past year, and that the Commissioner publish a report on this information.

See: [Cabinet-Paper-Public-Service-Act-Amendments-Paper-2.pdf](#) – Paragraphs 40-44 and recs/minutes 13, 14.

We are on a tight timeline (LEG paper for consultation by end June), so I am reaching out to you for assistance in finding the right person to speak to very soon. It would be useful to have a discussion about scope, level of detail in the notification/reporting, and any flow-on design implications.

Ngā mihi,
Stephanie

Stephanie Wyse

Kaitohutohu Mātāmua | Principal Advisor
Rautaki, Kaupapahere me te Ngākau Pono | Strategy, Policy and Integrity group

Waea pūkoro: 9(2)(a)  Īmēra: stephanie.wyse@publicservice.govt.nz



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From: [Margaret Cassie](#)
To: [Callum Butler](#)
Cc: [Janine Smith \[DPMC\]](#)
Subject: RE: [IN-CONFIDENCE] RE: Public Service Act drafting
Date: Wednesday, 11 June 2025 11:01:49 am
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)

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Thanks Callum - lets see how we go.

From: Callum Butler <callum.butler@publicservice.govt.nz>
Sent: Wednesday, 11 June 2025 10:59 am
To: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>
Cc: Janine Smith [DPMC] <Janine.Smith@dpmc.govt.nz>
Subject: RE: [IN-CONFIDENCE] RE: Public Service Act drafting

Hi Margaret,

Thanks very much for getting back to me, for your patience working with us on this and for turning feedback/responses around so quickly.

We've passed your requested amendments to (1) – (3) on to PCO, so hopefully what they draft will be satisfactory! In any event we have an opportunity to instruct them further through the consultation process.

Thanks again and expect will be in touch again through the consultation.

Cheers,
Callum

From: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>
Sent: Wednesday, June 11, 2025 10:55 AM
To: Callum Butler <callum.butler@publicservice.govt.nz>
Cc: Janine Smith [DPMC] <Janine.Smith@dpmc.govt.nz>
Subject: RE: [IN-CONFIDENCE] RE: Public Service Act drafting

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Hi Callum

After a lot of discussion our judgement is not to press further on clause (4). We note that there is still a small risk as discussed. We look forward to seeing clauses (1) – (3) in the consultation print.

Thanks for working this through with me and Janine.

Ngā mihi
Margaret

Margaret Cassie (she/her) | Human Resources Manager (DPMC and NEMA)

Cell: 9(2)(a) | Margaret.Cassie@cass.govt.nz

From: Callum Butler <callum.butler@publicservice.govt.nz>
Sent: Wednesday, 11 June 2025 8:31 am
To: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>
Subject: RE: [IN-CONFIDENCE] RE: Public Service Act drafting

Great thanks very much Margaret – will wait to hear from you.

Cheers,
Callum

From: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>
Sent: Wednesday, June 11, 2025 8:30 AM
To: Callum Butler <callum.butler@publicservice.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>
Subject: RE: [IN-CONFIDENCE] RE: Public Service Act drafting

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Hi Callum, thanks for touching base. Janine was meant to come back to me yesterday – I will send a note now, but am not available for an hour, so hopefully there will be something back or we can catch up shortly after that.

I will let you know later this morning. (hopefully not too late – I did emphasize the time constraints.)

Ngā mihi
Margaret

From: Callum Butler <callum.butler@publicservice.govt.nz>
Sent: Wednesday, 11 June 2025 8:16 am
To: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>
Subject: RE: [IN-CONFIDENCE] RE: Public Service Act drafting

Hi Margaret,

Thanks again for the chat yesterday.

Just wondering whether you'd had a chance to discuss with Janine yet?

Cheers,
Callum

From: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>
Sent: Tuesday, June 10, 2025 9:34 AM
To: Callum Butler <callum.butler@publicservice.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>
Subject: Re: [IN-CONFIDENCE] RE: Public Service Act drafting

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I'll come to you.

From: Callum Butler <callum.butler@publicservice.govt.nz>
Sent: Tuesday, June 10, 2025 9:21:05 AM
To: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>
Subject: RE: [IN-CONFIDENCE] RE: Public Service Act drafting

Sounds good! Will send an invite

From: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>
Sent: Tuesday, June 10, 2025 9:18 AM
To: Callum Butler <callum.butler@publicservice.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>
Subject: RE: [IN-CONFIDENCE] RE: Public Service Act drafting

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10.30?

From: Callum Butler <callum.butler@publicservice.govt.nz>
Sent: Tuesday, 10 June 2025 9:06 am
To: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>
Subject: RE: [IN-CONFIDENCE] RE: Public Service Act drafting

Hi Margaret,

I can make any time this morning work if you have availability? And happy for you to come over here or do Teams, whichever you prefer.

Cheers,
Callum

From: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>
Sent: Tuesday, June 10, 2025 8:47 AM
To: Callum Butler <callum.butler@publicservice.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>
Cc: Hugo Vitalis <Hugo.Vitalis@publicservice.govt.nz>; Janine Smith [DPMC] <Janine.Smith@dpmc.govt.nz>
Subject: RE: [IN-CONFIDENCE] RE: Public Service Act drafting

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Hi Callum – happy to chat through. Let me know what times you have available. I can pop over to you if that would help.

Ngā mihi
Margaret

Margaret Cassie (she/her) | Human Resources Manager (DPMC and NEMA)

Cell: 9(2)(a) | Margaret.Cassie@cass.govt.nz

From: Callum Butler <callum.butler@publicservice.govt.nz>
Sent: Monday, 9 June 2025 4:50 pm
To: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>
Cc: Hugo Vitalis <Hugo.Vitalis@publicservice.govt.nz>; Janine Smith [DPMC] <Janine.Smith@dpmc.govt.nz>
Subject: RE: [IN-CONFIDENCE] RE: Public Service Act drafting

Thanks Margaret,

What we're struggling to understand is what specifically you are trying to protect against? By deeming the PAG appointments to have a genuine reason under s66, we aren't 'removing any rights of access to justice', and we note that fixed-term agreements are regulated under the ERA in a way that is consistent with ILO guidelines, and our proposal would operate within rather than outside the ERA framework. It's also not obvious to us what grounds there would be for bringing a PG in the circumstances described (i.e. the fixed term agreement coming to an end).

To add (4) we would need a clear policy decision (which we did not get through the previous Cabinet papers) and a really clear rationale why it is necessary.

Might be worth a call at some point to discuss further?

Cheers,
Callum

From: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>
Sent: Monday, June 9, 2025 3:56 PM
To: Callum Butler <callum.butler@publicservice.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>
Cc: Hugo Vitalis <Hugo.Vitalis@publicservice.govt.nz>; Janine Smith [DPMC] <Janine.Smith@dpmc.govt.nz>
Subject: RE: [IN-CONFIDENCE] RE: Public Service Act drafting

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Kia ora Callum

Below is the rationale behind our proposed (4). One could describe it as belts and braces – the more detailed reasoning behind is:

9(2)(h) legal privilege



out of scope, 9(2)(h) legal privilege

Ngā mihi
Margaret

Margaret Cassie (she/her) | Human Resources Manager (DPMC and NEMA)

Cell: 9(2)(a) | Margaret.Cassie@cass.govt.nz

From: Callum Butler <callum.butler@publicservice.govt.nz>

Sent: Monday, 9 June 2025 9:35 am

To: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>

Cc: Hugo Vitalis <Hugo.Vitalis@publicservice.govt.nz>; Janine Smith [DPMC] <Janine.Smith@dpmc.govt.nz>

Subject: RE: [IN-CONFIDENCE] RE: Public Service Act drafting

Hi Margaret,

We've now had a brief conversation on your proposed (4). Initial view is that we're not sure the policy approvals extend to this given it was not explicitly covered in our Cabinet decisions.

We're also not sure we understand why it is necessary – could you provide some rationale for the proposed limitation on legal proceedings? This would be really helpful as we work it through further.

Cheers,
Callum

From: Callum Butler <callum.butler@publicservice.govt.nz>

Sent: Monday, June 9, 2025 9:01 AM

To: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>

Cc: Hugo Vitalis <Hugo.Vitalis@publicservice.govt.nz>; Janine Smith [DPMC] <Janine.Smith@dpmc.govt.nz>

Subject: RE: [IN-CONFIDENCE] RE: Public Service Act drafting

Thanks Margaret, we had picked those typos up so all good!

Fine with the adjustments you have proposed to (1) and (2), though wonder if you would want to keep 'advice' (i.e. just remove 'ministerial') in (2) to keep this as broad as possible?

We need to have a closer look at (4), and will come back to you on this later today.

Cheers,
Callum

From: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>

Sent: Monday, June 9, 2025 8:36 AM

To: Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>; Callum Butler <callum.butler@publicservice.govt.nz>

Cc: Hugo Vitalis <Hugo.Vitalis@publicservice.govt.nz>; Janine Smith [DPMC] <Janine.Smith@dpmc.govt.nz>

Subject: RE: [IN-CONFIDENCE] RE: Public Service Act drafting

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Kia ora Amuri and Callum

A couple of rather critical typos were picked up by the CE – these corrections are noted in green and highlighted below. Sometimes we can get too close to something!!

1. In this section, **public policy advisory group** means the group of advisors established within the Department of the Prime Minister and Cabinet who provide advice directly to the Prime Minister **and Cabinet** about specific portfolios across the Government.
2. The chief executive of the Department of the Prime Minister and Cabinet may appoint employees to the **policy advisory group** on fixed-term employment agreements for the stated reason of enabling for periodic change in the group of advisors for the purpose of developing leadership **and ministerial advice** capability in the public service, and ensuring a complementary mix of advisory skills in the group.
3. Where an employee is appointed on a fixed-term employment agreement that specifies the reason in subsection (2), this will constitute a genuine reason based on reasonable grounds in accordance with section 66(2)(a) of the Employment Relations Act 2000.
4. An employee appointed in accordance with this section is not entitled to bring a personal

grievance or other legal proceedings in respect of the end of their fixed term employment at the close of the specified date or occurrence of the specified event set out in their fixed term employment agreement.

Ngā mihi
Margaret

Margaret Cassie (she/her) | Human Resources Manager (DPMC and NEMA)

Cell: 9(2)(a) | Margaret.Cassie@cass.govt.nz

From: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>
Sent: Friday, 6 June 2025 5:03 pm
To: Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>
Cc: Hugo Vitalis <Hugo.Vitalis@publicservice.govt.nz>; Janine Smith [DPMC] <Janine.Smith@dpmc.govt.nz>; Callum Butler <callum.butler@publicservice.govt.nz>
Subject: Re: [IN-CONFIDENCE] RE: Public Service Act drafting

Brilliant. Thank you.

From: Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>
Sent: Friday, June 6, 2025 4:58:46 PM
To: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>
Cc: Hugo Vitalis <Hugo.Vitalis@publicservice.govt.nz>; Janine Smith [DPMC] <Janine.Smith@dpmc.govt.nz>; Callum Butler <callum.butler@publicservice.govt.nz>
Subject: RE: [IN-CONFIDENCE] RE: Public Service Act drafting

Kia ora Margaret

Thanks very much for getting back to us on this today.

We will work through your suggestions and should hopefully be able to get further changes in the version for consultation.

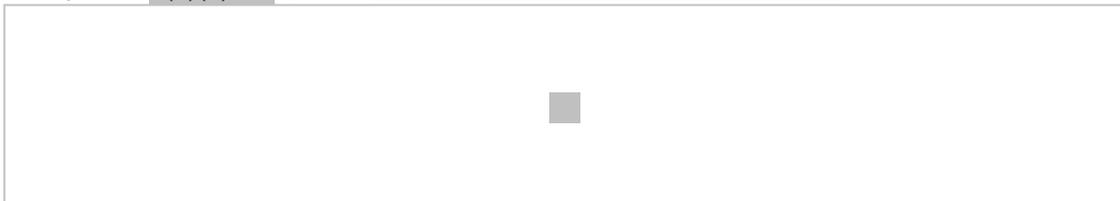
Ngā mihi
Amuri

Amuri Hughey-Cockerell (she/her)

Roia Matua | Senior Solicitor

Rōpū Taha Ture | Legal Team

waea pūkoro: 9(2)(a) | imēra: amuri.hughey-cockerell@publicservice.govt.nz





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From: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>

Sent: Friday, 6 June 2025 4:35 pm

To: Callum Butler <callum.butler@publicservice.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>

Cc: Hugo Vitalis <Hugo.Vitalis@publicservice.govt.nz>; Janine Smith [DPMC] <Janine.Smith@dpmc.govt.nz>

Subject: [IN-CONFIDENCE] RE: Public Service Act drafting

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[IN-CONFIDENCE]

Kia ora Callum

Janine and I have had an opportunity to talk this through and to discuss with Blair. There are some suggested edits to the proposed drafting and some additional clauses to ensure clarity of intent. It would be great if this could be the basis of the consultation draft.

1. In this section, **public advisory group** means the group of advisors established within the Department of the Prime Minister and Cabinet who provide advice directly to the Prime Minister ~~and Cabinet~~ about specific portfolios across the Government.
2. The chief executive of the Department of the Prime Minister and Cabinet may appoint employees to the policy advisory on fixed-term employment agreements for the stated reason of enabling for periodic change in the group of advisors for the purpose of developing leadership ~~and ministerial advice~~ capability in the public service, and ensuring a complementary mix of advisory skills in the group.
3. Where an employee is appointed on a fixed-term employment agreement that specifies the reason in subsection (2), this will constitute a genuine reason based on reasonable grounds in accordance with section 66(2)(a) of the Employment Relations Act 2000.
4. An employee appointed in accordance with this section is not entitled to bring a personal grievance or other legal proceedings in respect of the end of their fixed term employment at the close of the specified date or occurrence of the specified event set out in their fixed term employment agreement.

Thanks for working with us to progress this.

Ngā mihi
Margaret

Margaret Cassie (she/her) | Human Resources Manager (DPMC and NEMA)

Cell: 9(2)(a) | Margaret.Cassie@cass.govt.nz

From: Callum Butler <callum.butler@publicservice.govt.nz>

Sent: Thursday, 5 June 2025 9:54 am

To: Janine Smith [DPMC] <Janine.Smith@dpmc.govt.nz>; Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>

Cc: Hugo Vitalis <Hugo.Vitalis@publicservice.govt.nz>

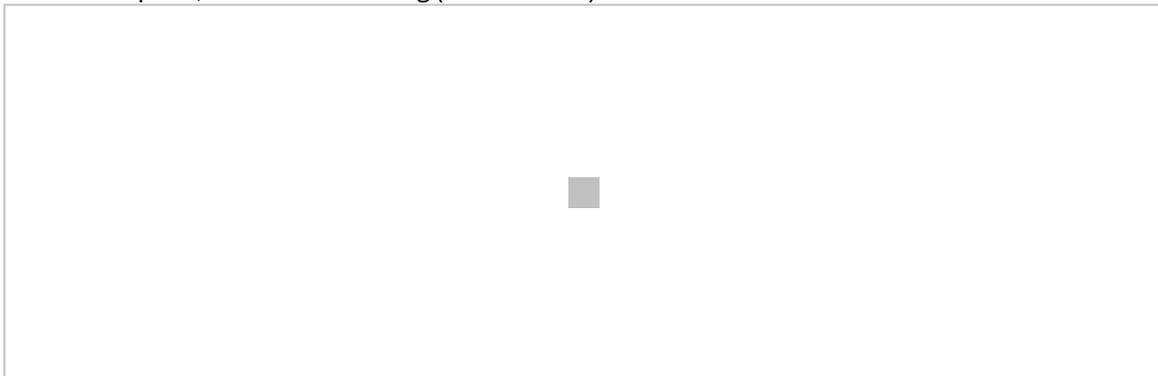
Subject: Public Service Act drafting

Hi both,

Thanks for the meeting just now, and apologies again for the confusion about Teams/in-person. As discussed, we are keen to get your views on:

1. The drafting of the PAG definition (for the purpose of scoping the provision); and
2. The interaction with section 66 of the Employment Relations Act.

On the first point, the current drafting (for feedback) is:



On the second point, the options are either:

- Disapplying all or part of s66 of the ERA; or
- Deeming a particular ‘genuine reason’ to apply for the purposes of s66 in the case of PAG advisors (drafting would be additional to the above excerpt, and say something like “(3) [reason] is deemed to be a genuine reason for the purpose of section 66 of the Employment Relations Act”).

As we discussed, I’m not too keen on the first option given the difficulty of disentangling the parts of s66 that should or shouldn’t apply. LDAC has provided a suggested wording for the deemed genuine reason which I think works quite well: “enabling for periodic change in the group of advisors for the purpose of developing leadership and ministerial advice capability in the public service and ensuring a

complementary mix of advisory skills in the group.”

Would be great if you could let me know if you have strong views on the overall approach or any feedback on the specific drafting as soon as you can. If this week we can work it into the consultation draft, but can always make changes through the consultation period too.

Thanks again!

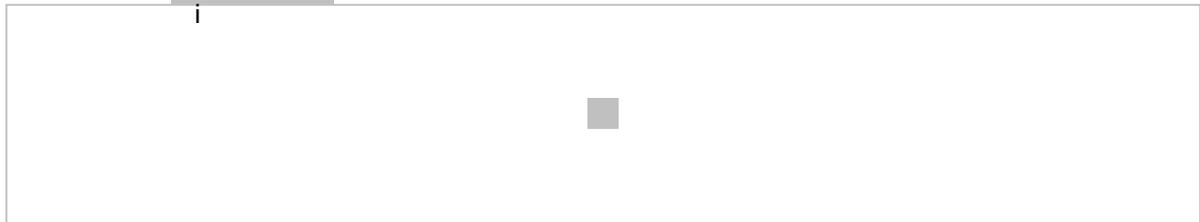
Cheers,
Callum

Callum Butler (he/him)

Pou Whakahaere Kaupapa Here | Manager, Policy

Rautaki, Kaupapahere me te Ngākau Pono | Strategy, Policy, and Integrity

waea pūkoro: 9(2)(a) | imēra: callum.butler@publicservice.govt.nz



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From: [Callum Butler](#)
To: [Stephanie Wyse](#); [Tim Saunders](#)
Cc: [Amuri Hughey-Cockerell](#)
Subject: FW: [UNCLASSIFIED] Are you available for a quick catch up on teams around 3pm or 3.30 today?
Date: Wednesday, 25 June 2025 3:44:00 pm

Hi team,

Have just had a chat with Margaret Cassie about the PAG provisions. Feedback for logging:

- Under 66A(3)
 - should reference fixed-term employees in the chapeau
 - would like an 'or' between subs (a) and (b) to align with the explanatory note
- Under 66A(1) consider whether 'advisers' should be 'advisors'
- In the relevant section of the explanatory note, there is a typo where "development" should be "developing" (may have already picked this up in our review).

Amuri, I will come have a chat to you about this.

Cheers,
Callum

From: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>
Sent: Wednesday, June 25, 2025 3:12 PM
To: Callum Butler <callum.butler@publicservice.govt.nz>
Subject: RE: [UNCLASSIFIED] Are you available for a quick catch up on teams around 3pm or 3.30 today?

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The preamble indicates that the genuine reasons are either the development one or the mix of skills one – we can pick one or the other. Which is good.

New section 66A provides for the chief executive of the Department of the Prime Minister and Cabinet (the **DPMC**) to appoint employees to the policy advisory group on fixed-term agreements. The policy advisory group is the group of advisers within the DPMC who provide advice directly to the Prime Minister about specified portfolios across the Government. For the purposes of section 66(2)(a) of the Employment Relations Act 2000, the following are deemed to be genuine reasons for appointing an employee to the policy advisory group on a fixed-term agreement:

- to enable periodic change in the composition of the policy advisory group for the purposes of development leadership and advice capability in the public service;

or

- to ensure that the policy advisory group comprises a complementary mix of advisory skills.

Whereas s 66A(3) is confusing do we need both reasons for the provision to be triggered and it is adrift from the fixed term employment other than a link to the ERA.

Hopefully this makes sense to you. Talk soon.

Ngā mihi
Margaret

From: Margaret Cassie [TSY]
Sent: Wednesday, 25 June 2025 3:02 pm
To: Callum Butler <callum.butler@publicservice.govt.nz>
Subject: RE: [UNCLASSIFIED] Are you available for a quick catch up on teams around 3pm or 3.30 today?

Thanks Callum I will send a meeting invite for 3.15 - just trying to do a quick note now – it is the way that the reasons are written

From: Callum Butler <callum.butler@publicservice.govt.nz>
Sent: Wednesday, 25 June 2025 2:08 pm
To: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>
Subject: RE: [UNCLASSIFIED] Are you available for a quick catch up on teams around 3pm or 3.30 today?

Hi Margaret,

Sure thing – let me know which part of it and what your questions/concerns are. And more than happy to have a chat.

Cheers,
Callum

From: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>
Sent: Wednesday, June 25, 2025 1:46 PM
To: Callum Butler <callum.butler@publicservice.govt.nz>
Subject: [UNCLASSIFIED] Are you available for a quick catch up on teams around 3pm or 3.30 today?
Importance: High

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[UNCLASSIFIED]

There is one part of the clause we are a bit confused/concerned by. It seems a bit ambiguous. I

will send a fuller email on it shortly – just can't do it now. Would love to chat please

Ngā mihi
Margaret

Margaret Cassie (she/her) | Human Resources Manager (DPMC and NEMA)

9(2)(a) privacy | Margaret.Cassie@cass.govt.nz

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From: [Tim Saunders](#)
To: [Stephanie Wyse](#); [Radhika Patel-Cornish](#); [Callum Butler](#)
Cc: [Amuri Hughey-Cockerell](#)
Subject: RE: [IN-CONFIDENCE] Ministry of Education feedback on - PSBA LEG Paper and Amendment Bill
Date: Monday, 30 June 2025 2:29:00 pm
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

I don't have a strong view about it – I think the bigger reason is that there is an established system for dealing w misconduct in this context, but if that was the specific policy approval in the March papers then I guess that's fine and also future proofs it a bit... I just wonder if the application of the Code by PSC will be a certain enough parameter for PCO...

Amuri – FYI and discussion tomorrow..

TS

From: Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>
Sent: Monday, 30 June 2025 12:48 pm
To: Tim Saunders <Tim.Saunders@publicservice.govt.nz>; Radhika Patel-Cornish <Radhika.Patel-Cornish@publicservice.govt.nz>; Callum Butler <callum.butler@publicservice.govt.nz>
Subject: RE: [IN-CONFIDENCE] Ministry of Education feedback on - PSBA LEG Paper and Amendment Bill

Agreed, but to keep things consistent the exemption should be based on Commissioner's determination re: application of Code?

From: Tim Saunders <Tim.Saunders@publicservice.govt.nz>
Sent: Monday, 30 June 2025 8:46 am
To: Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>; Radhika Patel-Cornish <Radhika.Patel-Cornish@publicservice.govt.nz>; Callum Butler <callum.butler@publicservice.govt.nz>
Subject: RE: [IN-CONFIDENCE] Ministry of Education feedback on - PSBA LEG Paper and Amendment Bill

I think there's probably a reasonable argument for exempting school boards from 94B based on the argument MoE present – looks like there are pretty established processes and I'm not sure school boards where the kind of institution we are really trying to capture here?

Talk tomorrow

From: Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>
Sent: Friday, 27 June 2025 1:45 pm
To: Radhika Patel-Cornish <Radhika.Patel-Cornish@publicservice.govt.nz>; Callum Butler <callum.butler@publicservice.govt.nz>
Cc: Tim Saunders <Tim.Saunders@publicservice.govt.nz>
Subject: RE: [IN-CONFIDENCE] Ministry of Education feedback on - PSBA LEG Paper and Amendment Bill

All good. I only asked you to check that, because the second Q is consequential.

The reporting requirement was intended to apply to those to whom the Code applies/has been issued. We just need to look at it again to check how it works. Talk next week.

From: Radhika Patel-Cornish <Radhika.Patel-Cornish@publicservice.govt.nz>
Sent: Friday, 27 June 2025 1:44 pm
To: Callum Butler <callum.butler@publicservice.govt.nz>; Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>
Cc: Tim Saunders <Tim.Saunders@publicservice.govt.nz>
Subject: Re: [IN-CONFIDENCE] Ministry of Education feedback on - PSBA LEG Paper and Amendment Bill

Sorry I only looked at the bit about Code highlighted in Steph's email to me - happy to chat more about it in relation to misconduct and will read their other feedback before that chat!

R

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From: Callum Butler <callum.butler@publicservice.govt.nz>
Sent: Friday, June 27, 2025 1:22:22 PM
To: Radhika Patel-Cornish <Radhika.Patel-Cornish@publicservice.govt.nz>; Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>
Cc: Tim Saunders <Tim.Saunders@publicservice.govt.nz>
Subject: RE: [IN-CONFIDENCE] Ministry of Education feedback on - PSBA LEG Paper and Amendment Bill

That's fine for the purpose of the code – but probably not ideal for the misconduct reporting provision... can discuss on Tuesday.

Cheers,
Callum

From: Radhika Patel-Cornish <Radhika.Patel-Cornish@publicservice.govt.nz>
Sent: Friday, June 27, 2025 12:58 PM
To: Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>
Cc: Callum Butler <callum.butler@publicservice.govt.nz>; Tim Saunders <Tim.Saunders@publicservice.govt.nz>
Subject: RE: [IN-CONFIDENCE] Ministry of Education feedback on - PSBA LEG Paper and Amendment Bill

Confirming while School Boards are in mandate of 17(2) agencies that minimum standards “may apply” to, we have never issued the Code to them (thinking on topic from 2008 attached!)

Have checked with Vic and no intention to include school boards in scope of new Code either.

If we are replying to MOE, I think we just need to explain that while proposed change to 17(1) would

make it mandatory for Commissioner to set minimum standards, there is no proposed change to 17(2) so still at Commissioner's discretion who those standards are applied to

Hope this helps

Ngā mihi
Radhika

From: Radhika Patel-Cornish <Radhika.Patel-Cornish@publicservice.govt.nz>
Sent: Friday, 27 June 2025 12:46 pm
To: Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>
Cc: Callum Butler <callum.butler@publicservice.govt.nz>; Tim Saunders <Tim.Saunders@publicservice.govt.nz>
Subject: RE: [IN-CONFIDENCE] Ministry of Education feedback on - PSBA LEG Paper and Amendment Bill

Under current settings, we *can* issue the Code to school boards, but we *don't* – and I think that can remain true with change to “must” i.e. we must set standards, but surely Commissioner still has discretion about who to issue them to?

Current Code says the following (and I will do paranoid check with Vic that no intention to change this in new Code):

The definition of the State Services includes departments and Crown entities. However, the Crown entities that are subject to the State Services Commissioner's mandate to set minimum standards of integrity and conduct are categorised as:

- *statutory entities (comprising independent Crown entities, autonomous Crown entities and Crown agents; but excluding tertiary education institutes, Crown Research Institutes, and their subsidiaries)*
- *Crown entity companies*
- *Crown entity subsidiaries 1 State Sector Act 1988*
- *school boards of trustees. (However, the code does not apply to school boards of trustees.)*

From: Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>
Sent: Friday, 27 June 2025 12:40 pm
To: Radhika Patel-Cornish <Radhika.Patel-Cornish@publicservice.govt.nz>
Cc: Callum Butler <callum.butler@publicservice.govt.nz>; Tim Saunders <Tim.Saunders@publicservice.govt.nz>
Subject: RE: [IN-CONFIDENCE] Ministry of Education feedback on - PSBA LEG Paper and Amendment Bill

Radhika - Can you please sense-check/clarify the highlighted bit about school boards for me? I thought it DIDN'T apply under current settings.

From: Hugo Vitalis <Hugo.Vitalis@publicservice.govt.nz>
Sent: Friday, 27 June 2025 12:29 pm
To: Callum Butler <callum.butler@publicservice.govt.nz>; Tim Saunders <Tim.Saunders@publicservice.govt.nz>; Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>
Subject: FW: [IN-CONFIDENCE] Ministry of Education feedback on - PSBA LEG Paper and Amendment

Bill

FYI from MoE

From: Helen Hunter <Helen.Hunter@education.govt.nz>

Sent: Friday, June 27, 2025 12:06 PM

To: Hugo Vitalis <Hugo.Vitalis@publicservice.govt.nz>

Cc: Kaupapahere Ministerials <Kaupapahere.Ministerials@education.govt.nz>; Casey Pickett <Casey.Pickett@education.govt.nz>

Subject: [IN-CONFIDENCE] Ministry of Education feedback on - PSBA LEG Paper and Amendment Bill

This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.

[IN-CONFIDENCE]

Kia ora Hugo

Here are our agency comments on several proposed amendments to the Public Service Act 2020

Improve Public Service chief executive and agency performance management - [SOU-25-MIN-0029] (12 -14)

Amendments to s 17

- Proposed amendment to section 17 so that it is mandatory, rather than discretionary for the Commissioner to set minimum standards of integrity and conduct for the Public Service.
- *Comment:* We note that the current *Code: Standards of Integrity and Conduct* applies to employees of all organisations defined in s17(2) of the PS Act which includes school boards. Also, school boards have their own code of conduct under s 166 of the Education and Training Act. If the Commissioner wanted to develop additional standards that apply to school boards, we would like this to be done in discussion with the Ministry.

New section 94B

- Proposed insertion of a new s 94B that requires specified agencies, including school boards, to report to the Commissioner on the outcome of all investigations into alleged misconduct or serious misconduct by an employed
- *Comment:* The clause as currently drafted applies to school boards. We would like to query whether this is necessary as there are already other reporting mechanisms in place. These include:
 - Ss 489-493 of the Education and Training Act 2020 (ETA) makes it mandatory for school boards to report any issues relating to the conduct or competence of teachers to the Teaching Council. The Teaching Council has its own conduct and competency assessment processes including the ability to de-register teachers.
 - S 137(2)(d) of the ETA of the requires that school boards include information in their annual reports about board members or employees who have been given compensation in addition to compensation or other benefits paid. This will capture any individuals who have

been paid to leave due to conduct issues.

Better risk management – SOU-25-MIN-0030 (6-11)

New clause 5 in Schedule 3

- Proposed insertion of new clause 5 into Schedule 3 to allow Commissioner to issue a binding directive to public service agencies or agencies mandated in the Protective Security Requirements to restrict use of a specific vendor, service, product or class of vendors, services or product.
- *Query:* We would like clarification as to whether this proposal would require the Ministry to also enforce a ban within the education sector, for example, with school boards or schedule 4(a) companies such as Education Network Ltd or Education Payroll Ltd.

BORA vet

- We would also like to know whether the BORA vet has been completed for the Bill yet.

Please get in touch if you would like to discuss these comments further. Particularly the issue of whether school boards should be caught by the new requirement to report annually to the Commissioner on investigations into employee misconduct..

Nga mihi,

Helen

[IN-CONFIDENCE]

From: Hugo Vitalis <Hugo.Vitalis@publicservice.govt.nz>

Sent: Monday, 16 June 2025 2:12 pm

To: Craig Salmon [DPMC] <Craig.Salmon@dpmc.govt.nz>; Andy Jackson

<Andy.Jackson@education.govt.nz>; ^Justice: Caroline Greaney <Caroline.Greaney@justice.govt.nz>;

^MBIE: Michael Quinn <michael.quinn@mbie.govt.nz>; ^Regulation: Andrew Royle

<Andrew.Royle@regulation.govt.nz>; Aaron Martin <Aaron.Martin@crownlaw.govt.nz>;

Anna.Chalmers <anna.chalmers@women.govt.nz>; Aphra Green <Aphra.Green@swa.govt.nz>; Ben

O'Meara <ben.o'meara001@whaikaha.govt.nz>; Claire Richardson <crichardson@linz.govt.nz>;

^MHUD Colin Lynch <Colin.Lynch@hud.govt.nz>; ^IRD: David Carrigan <David.carrigan@ird.govt.nz>;

Dr Corina Grey <corina.grey@mpp.govt.nz>; Emily Fabling <Emily.Fabling@mch.govt.nz>; ^EXT: Emily

Owen <Emily.Owen@corrections.govt.nz>; Emma Powell <Emma.Powell@tepunaaonui.govt.nz>;

Janine Smith [DPMC] <Janine.Smith@dpmc.govt.nz>; Jenna.Rogers <Jenna.Rogers@nema.govt.nz>;

^Police: Jeremy Wood <Jeremy.Wood@police.govt.nz>; Juanita Te Kani

<Juanita.TeKani@health.govt.nz>; ^MPI: Julie Collins <JulieR.Collins@mpi.govt.nz>; Karl Simpson

<Karl.Simpson@pco.govt.nz>; Kate Satterthwaite <Kate.Satterthwaite@stats.govt.nz>; ^Health:

Maree Roberts <maree.roberts@health.govt.nz>; ^DIA: Michael Lovett

<Michael.Lovett@dia.govt.nz>; ^MBIE: Nic Blakeley <Nic.blakeley@mbie.govt.nz>; Paul O'Connell

<p.o'connell@transport.govt.nz>; ^MBIE: Paul Stocks <Paul.Stocks@mbie.govt.nz>;

Paula.Rawiri@tpk.govt.nz; Phil Grady <Phil.Grady@ot.govt.nz>; Pratima Namasivayam

<Pratima.namasivayam@ethniccommunities.govt.nz>; ^Customs: Richard Bargh

<Richard.bargh@customs.govt.nz>; ^EXT: Richard Schmidt <Richard.Schmidt@defence.govt.nz>;

^PCO: Richard Wallace <Richard.Wallace@pco.govt.nz>; ^DOC: Ruth Isaac <risaac@doc.govt.nz>; Ruth Shinoda <ruth.shinoda@ero.govt.nz>; Sam Buckle <Sam.Buckle@mfe.govt.nz>; Simon Macpherson <Simon.Macpherson004@msd.govt.nz>; Sophie Mexsom <Sophie.Mexsom@crownlaw.govt.nz>; Struan Little [TSY] <Struan.Little@treasury.govt.nz>; ^MFAT: Taha Macpherson <Taha.Macpherson@mfat.govt.nz>; Warren.Fraser <Warren.Fraser@tearawhiti.govt.nz>
Cc: Callum Butler <callum.butler@publicservice.govt.nz>; Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>; Tim Saunders <Tim.Saunders@publicservice.govt.nz>
Subject: [IN-CONFIDENCE] Consultation - PSBA LEG Paper and Amendment Bill

[IN-CONFIDENCE]

[In Confidence]

Kia ora koutou,

Please find attached for agency consultation:

- a draft paper for Cabinet Legislation Committee seeking approval to introduce the Minister for the Public Service’s proposed amendments to the Public Service Act.
- the draft Public Service Amendment Bill.

This follows Cabinet policy decisions in late March – accessible here: [Public Service Act 2020 amendments - Te Kawa Mataaho Public Service Commission](#). A summary of key amendments is also in Appendix One of the LEG paper.

Many thanks to all those in your agencies who have contributed to Bill drafting in the last couple of months. At present, our expectation is that the Minister will lodge this on 17 July for the LEG Committee meeting on 24 July, and seek Cabinet confirmation and introduce the Bill on 28 July. The Bill holds a category 3 priority on the 2025 Legislative Programme (to be passed this year).

Please note that, given the time available to us, the paper will also be sent out for **parallel ministerial consultation** this afternoon. While most of the amendments have general effect, please note some particular items for some of you:

| | |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| NZSIS, GCSB, DPMC, and MFAT | Discussion of national security related direction power in paras 13, 14, and 24-30 of the Cabinet paper and Clause 38 (new section 5B) of the Bill |
| DPMC | Discussion of fixed-term proposal in paras 23 & 31 of the Cabinet paper and Clause 29A of the Bill |
| | Clause 40[(2) and new section 10] of the Bill re consolidated obligations for long-term insights briefings |
| StatsNZ | Clauses 42 – 44 re consequential amendments to the Data and Statistics Act to re-locate the provisions for the appointment of the Government Statistician |

Can I please ask for **any feedback from your agencies (via a single email) as soon as possible but no later than Friday 27 June. Please also copy Callum Butler, Tim Saunders, and Stephanie Wyse (copied) into your responses.**

Finally, as CEs provided input into the key policy decisions leading to the amendment bill, we have not circulated this material to CEs this time. However, please advise your respective CEs to the extent you think is necessary.

Thanks again for your help to date.

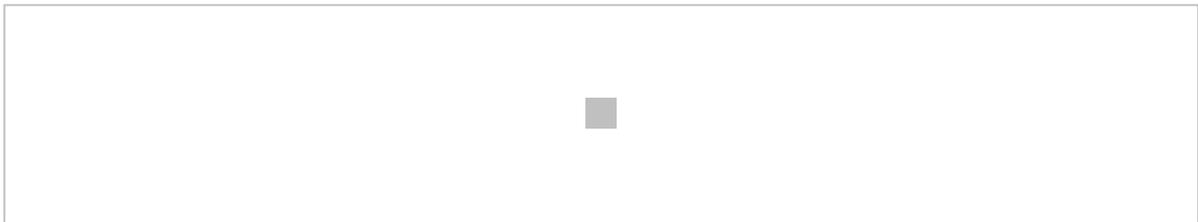
Ngā mihi Hugo

Hugo Vitalis (he/him)

Tumu Whakarae Tuarua | Deputy Chief Executive

Rautaki, Kaupapahere me te Ngākau Pono | Strategy, Policy, and Integrity

9(2)(a) privacy [redacted] | **īmēra:** hugo.vitalis@publicservice.govt.nz



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From: [Tim Saunders](#)
To: [Gretchen Sciascia](#)
Cc: [Callum Butler](#)
Subject: RE: [IN-CONFIDENCE] Consultation - PSBA LEG Paper and Amendment Bill
Date: Tuesday, 1 July 2025 11:52:00 am
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.jpg](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

Kia ora Gretchen,

Thanks for these thoughtful points. We understand your point about the D & I provisions, but note that this was covered in the policy advice stage prior to Cabinet policy decisions in March.

On the PAG appts - just want to be clear that the purpose of this is not in any way to enable political appointments, but to enable the development of leadership capability or capability on specific issues as the focus of different portfolios changes over time. We think this will broaden the talent base available for these roles over time.

Ngā mihi
Tim

From: Gretchen Sciascia <Gretchen.sciascia@tpk.govt.nz>
Sent: Friday, 27 June 2025 4:31 pm
To: Hugo Vitalis <hugo.vitalis@publicservice.govt.nz>
Cc: Callum Butler <callum.butler@publicservice.govt.nz>; Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>; Tim Saunders <Tim.Saunders@publicservice.govt.nz>; Terina Cowan <Terina.Cowan@tpk.govt.nz>
Subject: RE: [IN-CONFIDENCE] Consultation - PSBA LEG Paper and Amendment Bill

This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.

Kia ora Hugo

Thanks for providing the opportunity to review the draft Cabinet paper and Public Service Amendment Bill.

Our only comment would be to reiterate our advice on the previous suite of Cabinet papers proposing amendments to the Act, in particular noting that:

- Diversity and Inclusion requirements act as a safeguard against status quo biases that are well evidenced and have historically acted as a barrier to equal opportunities for women and minorities; and
- The move to fixed term appointments risks diluting the talent base available for and willing to undertake this role, and lead to shortages in subject matter knowledge, in particular Māori subject matter expertise. It is also unclear why the PAG appointments need to be political, given comment in the original paper around the need for a politically neutral public service.

Ngā mihi
Gretchen

Gretchen Sciascia

Kaiārahi, Rautaki | Manager, Strategy

Ngāi Tūmapuhia-a-Rangi

Te Tari Matua



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Waea Whakaahua F : 0800 875 329

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PO Box 3943, Wellington 6140, New Zealand



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[Kōkiri Magazine](#)



[Facebook](#)

From: Hugo Vitalis <Hugo.Vitalis@publicservice.govt.nz>

Sent: Monday, 16 June 2025 2:12 pm

To: Craig Salmon [DPMC] <Craig.Salmon@dpmc.govt.nz>; ^EDU: Andy Jackson

<Andy.Jackson@education.govt.nz>; ^Justice: Caroline Greaney <Caroline.Greaney@justice.govt.nz>; ^MBIE: Michael Quinn <michael.quinn@mbie.govt.nz>; ^Regulation: Andrew Royle <Andrew.Royle@regulation.govt.nz>; Aaron Martin <Aaron.Martin@crownlaw.govt.nz>; Anna Chalmers <anna.chalmers@women.govt.nz>; Aphra Green <Aphra.Green@swa.govt.nz>; Ben O'Meara <ben.o'meara001@whaikaha.govt.nz>; Claire Richardson <crichardson@linz.govt.nz>; ^MHUD Colin Lynch <Colin.Lynch@hud.govt.nz>; ^IRD: David Carrigan <David.carrigan@ird.govt.nz>; Dr Corina Grey <corina.grey@mpp.govt.nz>; Emily Fabling <Emily.Fabling@mch.govt.nz>; ^EXT: Emily Owen <Emily.Owen@corrections.govt.nz>; Emma Powell <Emma.Powell@tepunaaonui.govt.nz>; Janine Smith [DPMC] <Janine.Smith@dpmc.govt.nz>; Jenna Rogers <Jenna.Rogers@nema.govt.nz>; ^Police: Jeremy Wood <Jeremy.Wood@police.govt.nz>; Juanita Te Kani <Juanita.TeKani@health.govt.nz>; ^MPI: Julie Collins <JulieR.Collins@mpi.govt.nz>; Karl Simpson <Karl.Simpson@pco.govt.nz>; Kate Satterthwaite <Kate.Satterthwaite@stats.govt.nz>; ^Health: Maree Roberts <maree.roberts@health.govt.nz>; ^DIA: Michael Lovett <Michael.Lovett@dia.govt.nz>; ^MBIE: Nic Blakeley <Nic.blakeley@mbie.govt.nz>; Paul O'Connell <p.o'connell@transport.govt.nz>; ^MBIE: Paul Stocks <Paul.Stocks@mbie.govt.nz>; Paula Rawiri <Paula.Rawiri@tpk.govt.nz>; Phil Grady <Phil.Grady@ot.govt.nz>; Pratima Namasivayam <Pratima.namasivayam@ethniccommunities.govt.nz>; ^Customs: Richard Bargh <Richard.bargh@customs.govt.nz>; ^EXT: Richard Schmidt <Richard.Schmidt@defence.govt.nz>; ^PCO: Richard Wallace <Richard.Wallace@pco.govt.nz>; ^DOC: Ruth Isaac <risaac@doc.govt.nz>; Ruth Shinoda <Ruth.Shinoda@ero.govt.nz>; Sam Buckle <Sam.Buckle@mfe.govt.nz>; Simon Macpherson <Simon.Macpherson004@msd.govt.nz>; Sophie Mexsom <Sophie.Mexsom@crownlaw.govt.nz>; Struan Little [TSY] <Struan.Little@treasury.govt.nz>; ^MFAT: Taha Macpherson <Taha.Macpherson@mfat.govt.nz>; Warren Fraser <Warren.Fraser@tearawhiti.govt.nz>

Cc: Callum Butler <callum.butler@publicservice.govt.nz>; Stephanie Wyse

<Stephanie.Wyse@publicservice.govt.nz>; Tim Saunders <Tim.Saunders@publicservice.govt.nz>

Subject: [IN-CONFIDENCE] Consultation - PSBA LEG Paper and Amendment Bill

[IN-CONFIDENCE]

[In Confidence]

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Thanks again for your help to date.

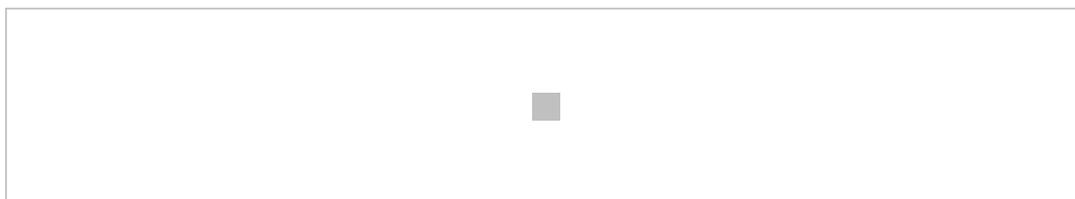
Ngā mihi Hugo

Hugo Vitalis (he/him)

Tumu Whakarae Tuarua | Deputy Chief Executive

Rautaki, Kaupapahere me te Ngākau Pono | Strategy, Policy, and Integrity

9(2)(a) privacy [redacted] | īmēra: hugo.vitalis@publicservice.govt.nz



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From: [Margaret Cassie](#)
To: [Callum Butler](#)
Subject: RE: [UNCLASSIFIED] Are you available for a quick catch up on teams around 3pm or 3.30 today?
Date: Thursday, 10 July 2025 10:26:23 am

This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.

Hi Callum – Janine is comfortable with this.

Thanks so much – on to next steps.

Ngā mihi
Margaret

Margaret Cassie (she/her) | Human Resources Manager (DPMC and NEMA)
9(2)(a) privacy | Margaret.Cassie@cass.govt.nz

From: Callum Butler <callum.butler@publicservice.govt.nz>
Sent: Friday, 4 July 2025 2:16 pm
To: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>
Subject: RE: [UNCLASSIFIED] Are you available for a quick catch up on teams around 3pm or 3.30 today?

Hi Margaret,

We've had a lot of back-and-forth with PCO on your feedback. Currently:

- We have got them to agree to specify that the genuine reasons are tied to a fixed-term appointment (to help readers who are not familiar with that legislation).
- We asked for an 'or' to be inserted between (3)(a) and (3)(b), and explained that we wanted it to be clear that these could each satisfy the genuine reason test independently. They maintain that their drafting guidelines don't support an 'or' being inserted, but have instead attempted to clarify this by changing the text to say "the following are each deemed to be a genuine reason for appointing..."
- Apparently the style guide is to use 'advisers' and 'advisory' (which is a bit odd but I don't think important).

This means the drafting currently looks like this:

66A Public service employees: policy advisory group

1. In this section, **policy advisory group** means the group of advisers established within the Department of the Prime Minister and Cabinet who provide advice directly to the Prime Minister about specific portfolios across the government.

2. The chief executive of the Department of the Prime Minister and Cabinet may appoint employees to the policy advisory group on fixed-term employment agreements.
3. The following are each deemed to be a genuine reason for appointing employees to the policy advisory group on fixed-term employment agreements for the purposes of section 66(2)(a) of the Employment Relations Act 2000:
 - a. to enable periodic change in the composition of the policy advisory group for the purposes of developing leadership and advice capability in the public service:
 - b. to ensure that the policy advisory group comprises a complementary mix of advisory skills.

It's not exactly what we asked for, but I think it's clear enough now (with the addition of 'each') that they can fulfil s66 of the ERA independently.

Let me know what you think, happy to discuss next week.

Cheers,
Callum

From: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>

Sent: Wednesday, June 25, 2025 3:12 PM

To: Callum Butler <callum.butler@publicservice.govt.nz>

Subject: RE: [UNCLASSIFIED] Are you available for a quick catch up on teams around 3pm or 3.30 today?

This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.

The preamble indicates that the genuine reasons are either the development one or the mix of skills one – we can pick one or the other. Which is good.

New section 66A provides for the chief executive of the Department of the Prime Minister and Cabinet (the **DPMC**) to appoint employees to the policy advisory group on fixed-term agreements. The policy advisory group is the group of advisers within the DPMC who provide advice directly to the Prime Minister about specified portfolios across the Government. For the purposes of section 66(2)(a) of the Employment Relations Act 2000, the following are deemed to be genuine reasons for appointing an employee to the policy advisory group on a fixed-term agreement:

- to enable periodic change in the composition of the policy advisory group for the purposes of development leadership and advice capability in the public service;
- or
- to ensure that the policy advisory group comprises a complementary mix of advisory skills.

Whereas s 66A(3) is confusing do we need both reasons for the provision to be triggered and it is adrift from the fixed term employment other than a link to the ERA.

Hopefully this makes sense to you. Talk soon.

Ngā mihi
Margaret

From: Margaret Cassie [TSY]
Sent: Wednesday, 25 June 2025 3:02 pm
To: Callum Butler <callum.butler@publicservice.govt.nz>
Subject: RE: [UNCLASSIFIED] Are you available for a quick catch up on teams around 3pm or 3.30 today?

Thanks Callum I will send a meeting invite for 3.15 - just trying to do a quick note now – it is the way that the reasons are written

From: Callum Butler <callum.butler@publicservice.govt.nz>
Sent: Wednesday, 25 June 2025 2:08 pm
To: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>
Subject: RE: [UNCLASSIFIED] Are you available for a quick catch up on teams around 3pm or 3.30 today?

Hi Margaret,

Sure thing – let me know which part of it and what your questions/concerns are. And more than happy to have a chat.

Cheers,
Callum

From: Margaret Cassie [TSY] <Margaret.Cassie@cass.govt.nz>
Sent: Wednesday, June 25, 2025 1:46 PM
To: Callum Butler <callum.butler@publicservice.govt.nz>
Subject: [UNCLASSIFIED] Are you available for a quick catch up on teams around 3pm or 3.30 today?
Importance: High

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[UNCLASSIFIED]

There is one part of the clause we are a bit confused/concerned by. It seems a bit ambiguous. I

will send a fuller email on it shortly – just can't do it now. Would love to chat please

Ngā mihi
Margaret

Margaret Cassie (she/her) | Human Resources Manager (DPMC and NEMA)

9(2)(a) privacy | Margaret.Cassie@cass.govt.nz

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From: [Tim Saunders](#)
To: [Stephanie Wyse](#)
Subject: FW: Public Service Amendment Bill - steps to introduction
Date: Monday, 28 July 2025 3:00:25 pm
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

FYI

From: Misty Mossman <Misty.Mossman@parliament.govt.nz>
Sent: Monday, 28 July 2025 2:56 pm
To: Callum Butler <callum.butler@publicservice.govt.nz>; Julie Rushton <Julie.Rushton@parliament.govt.nz>
Cc: Julie Rushton <Julie.Rushton@publicservice.govt.nz>; Hugo Vitalis <Hugo.Vitalis@publicservice.govt.nz>; MAES <MAES@publicservice.govt.nz>; Tim Saunders <Tim.Saunders@publicservice.govt.nz>
Subject: Re: Public Service Amendment Bill - steps to introduction

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Yes all done thanks Callum. Just finalising the first reading speech - will send it back for final fact check shortly. It's likely to be read by the Duty Minister depending on timing.

Kind regards
Misty

From: Callum Butler <callum.butler@publicservice.govt.nz>
Sent: Monday, July 28, 2025 11:18 AM
To: Julie Rushton <Julie.Rushton@parliament.govt.nz>; Misty Mossman <Misty.Mossman@parliament.govt.nz>
Cc: Julie Rushton <Julie.Rushton@publicservice.govt.nz>; Hugo Vitalis <Hugo.Vitalis@publicservice.govt.nz>; MAES <MAES@publicservice.govt.nz>; Tim Saunders <Tim.Saunders@publicservice.govt.nz>
Subject: RE: Public Service Amendment Bill - steps to introduction

Hi Julie,

Understand you are still covering for Misty today, so just wanted to check in to make sure everything is lined up for the Public Service Amendment Bill to be introduced after Cabinet today. It's **important that this happens in order to meet the Minister's timeline for the legislation.**

The specific things I wanted to double check (noting we are all good now on the BORA vet):

- Introducing the Bill – last week we talked about checking in with the Leader of the House's office to confirm that they are lined up to provide notice of the Government's intent to

introduce the Bill to the House office, and making sure they had a copy of the legislative statement for the Bill. Has this been done?

- Providing documents to support introduction – we provided physical copies of the RIS and departmental disclosure statement to Ministerial Services on Friday, and I understand these have been delivered over the road. They need to be provided to the House office this afternoon, just checking this is all ok to happen?
- Providing copies of the Bill – just to note we understand PCO will provide copies of the Bill directly to the House office. We will double check this but shouldn't require anything from you.

To be safe, we think this should **all be done by 5pm today**. Please let us know ASAP if there are any issues.

We also provided further information last week on the business continuity management provisions. I haven't heard anything further on this, please let me know if anything else is needed.

Cheers,
Callum

From: Callum Butler

Sent: Tuesday, July 22, 2025 2:54 PM

To: Misty Mossman <misty.mossman@parliament.govt.nz>; 'Julie Rushton' <julie.rushton@parliament.govt.nz>

Cc: Hugo Vitalis <Hugo.Vitalis@publicservice.govt.nz>; Tim Saunders <Tim.Saunders@publicservice.govt.nz>; Hannah Dewes <Hannah.Dewes@publicservice.govt.nz>; James McKeown <James.McKeown@publicservice.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>; MAES <MAES@publicservice.govt.nz>

Subject: Public Service Amendment Bill - steps to introduction

Hi Misty,

Hope your week is going well so far. Just wanted to get in touch to make sure we're all on the same page about steps and timing for introduction of the Public Service Amendment Bill. Key points are below:

- **LEG attendance** – I assume it will be helpful for officials to be available at LEG in case the Minister needs support. James (from the legal team) and I will come over just before 9.30 on Thursday, will you be available then to let us up please?
- **BORA vet** – We have been advised by MoJ that the BORA vet for the Bill will go to Minister Goldsmith as acting AG, given our Minister's lead role on the Bill. It is usual for the advice to get forwarded to the lead Minister once signed by the AG. If you haven't heard anything by Wednesday afternoon it might be worth checking in with Goldsmith's office as the Minister will want to be aware of the content of that advice before LEG (and we haven't been given any info from MoJ).
- **Introducing the Bill** – To meet the timelines we've discussed the Bill needs to be introduced

after this is approved by Cabinet next Monday. As you'll be aware from previous processes, this will involve the Leader of the House's office providing written notice to the Clerk of the intent to introduce the Bill. It might be worth touching base with them early to confirm timing, just given the short window for introduction. Physical documents also need to be provided (see below).

- **Legislative statement** – As you know this also needs to be provided to the Leader of the House's office. In final proofing we have made a couple of small tweaks to the Legislative statement – adding a clause and content reference that was previously omitted from one of the amendment descriptions and grouping the PAG adviser amendment under the 'capability in key positions' theme to better reflect the intention/nature of the amendment. Updated final version for the Leader of the House's office is attached.
- **Printed documents for introduction** – The departmental disclosure statement, the RIS and the Bill will need to be provided to the House Office ahead of introduction. We will print copies of the RIS and DDS and make sure that these are over to you (via Mins) before Monday. PCO provides the Bill directly, so we will liaise with them to confirm that this is happening on time.

[@Julie Rushton](#) – copying you in as I understand you're covering today. Hopefully if Misty is back you won't need to worry about this, but providing visibility just in case. Of course more than happy to discuss this with either of you, just give me a call.

Cheers,
Callum

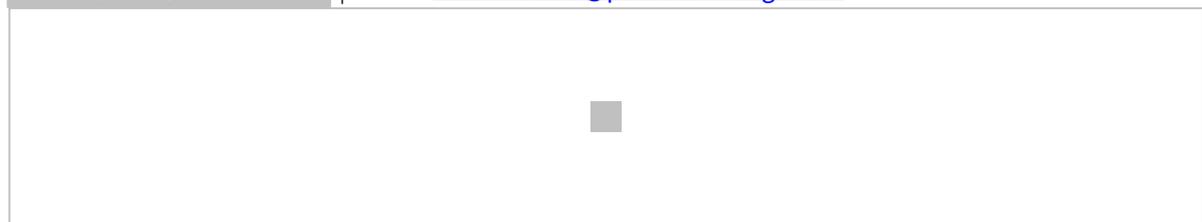
Callum Butler (he/him)

Pou Whakahaere Kaupapa Here | Manager, Policy

Rautaki, Kaupapahere me te Ngākau Pono | Strategy, Policy, and Integrity

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| **īmēra:** callum.butler@publicservice.govt.nz



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From: [Tim Saunders](#)
To: [Emma Shaw](#)
Subject: FW: Question re PSAB - removal of CE "re-appointment" provisions
Date: Wednesday, 13 August 2025 3:31:00 pm
Attachments: [image001.gif](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

And obviously the s45 requirement for the Cr to act independently in these decisions, which we also mentioned to the Ctee today....

From: Tim Saunders
Sent: Wednesday, 13 August 2025 3:19 pm
To: Emma Shaw <Emma.Shaw@publicservice.govt.nz>; Callum Butler <callum.butler@publicservice.govt.nz>; Kate Salmond <Kate.Salmond@publicservice.govt.nz>
Subject: Question re PSAB - removal of CE 're-appointment' provisions

Hey Em,

No hurry on this (not expecting to have to develop further text on this until we start drafting the Departmental report in Sept), but we're keen to get your take on an issue that the Chair of the Select Ctee has raised regarding the proposed removal of the 're-appointment' provisions in Sch 7...

Essentially, the hypothesis put forward by the Chair is that the removal of the 're-appointment' process in Cl 4, and the fact that the remaining contestable process in Cl 3 has more specific provision for Ministers to identify relevant considerations/suggest a panel member means that CEs will be more likely to compromise their political neutrality/free and frankness in relation to their Minister in order to be more likely to secure re-appointment under the contestable process..

We don't think that's likely because:

- There is no strong expectation that the re-appointment process will be utilised (i.e the Commissioner has a practice of not raising this possibility ahead of time with the CE, and in recent years we have used this provision less and less – *would be good to have some numbers on this*)..
- Even where Cl 4 is used, and even though it doesn't prescribe steps for ministerial input, the Commissioner would always consider the quality of the relationship between the CE and the Minister anyway, and it is the Commission's practice to still consult the Minister before making a recommendation
- The most imp't factor in a Commissioner's choice to recommend re-appointment of an existing CE is the performance record of that CE, which is assessed annually against a range of expectations and criteria and informed by 360 feedback...

Are these points accurate/right from your perspective? Are there other/different emphases you would put here?

Happy to discuss face to face if that's easier but just whenever you get a minute.

Thanks

TS

Tim Saunders (he / him)
Kaitātari Mātāmua | Principal Analyst
Te Tohutohu Rautaki me te Kaupapa Here | Strategy, Policy, and Integrity
9(2)(a) privacy  | **imēra:** tim.saunders@publicservice.govt.nz



From: [Kate Salmond](#)
To: [Callum Butler](#); [Stephanie Wyse](#)
Subject: FW: Query about certain aspects of the Public Service Amendment Bill
Date: Friday, 29 August 2025 5:25:10 pm
Attachments: [image001.jpg](#)

Kia ora kōrua,

Reporting back on the chat I had with Gareth and Jane.

The Ombudsman's office had two main concerns:

1. They were mainly worried about the notification requirement to us in 94A, cutting across protections for whistleblowers if an employment investigation into a tier 2 had been sparked by a protected disclosure. I explained that we've been working with the Privacy Commissioner around privacy concerns, and that we would not envisage being provided with any more information than was strictly necessary. So I couldn't see how the PDA protections would be affected. I suggested that the guidance we put out for agencies around this would be the place to explain some of this stuff. They are keen to work with us on that.
2. They also worried that our reporting might overlap, as some PDs might result in employment investigations. That just led to a discussion about making sure you triangulate lots of different data before reaching any conclusions about inappropriate behaviour in the public service. Our reporting was always going to be just one part in a wider story. And overlap is unavoidable. These are just things to acknowledge in reports. They raised the privacy point in this context too, but I explained that it will be aggregate data.

The upshot of all of that is – They might make a submission on the Bill (they are still deciding) but they definitely want to work with us on guidance for agencies. I said we are very happy to do that.

Ta muchly,
K

From: Kate Salmond
Sent: Friday, 29 August 2025 2:36 pm
To: 'Gareth Derby' <Gareth.Derby@ombudsman.parliament.nz>
Subject: RE: Query about certain aspects of the Public Service Amendment Bill

Kia ora Gareth,

Sure I'd be happy to chat. Have I already missed a call from you?

In case its helpful, the notification requirement in section 94A is only designed to be triggered when a CE is about to commence an employment investigation into a senior public service employee. That is why the words “misconduct or serious misconduct” were

chosen.

If the Ombudsman received a complaint involving a senior public service leader and investigated, it would not be an employment investigation. Our understanding is that (depending on the Ombudsman's findings) the CE would still need to look at the matter from an individual employment perspective and there would be a requirement to notify PSC at that time.

Very happy to talk it through if you have concerns about how that would work in practice.

Just let me know when might suit.

Many thanks,
Kate

From: Gareth Derby <Gareth.Derby@ombudsman.parliament.nz>
Sent: Friday, 29 August 2025 12:40 pm
To: Kate Salmond <Kate.Salmond@publicservice.govt.nz>
Subject: Query about certain aspects of the Public Service Amendment Bill

This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.

Good afternoon, Kate

Apologies for emailing you out of the blue – Stuart McGilvray thought you might be a good person to contact, either because you might know the answer or would be able to direct me to the appropriate person.

The Ombudsman is currently considering making a submission on the Public Service Amendment Bill, and we've identified clause 38's proposal to add new sections 94A and 94B of being of particular interest to us due to the apparent overlap with some of the Ombudsman's functions under the Protected Disclosures (Protection of Whistleblowers) Act 2022. We'd be quite interested in understanding how PSC anticipates the two regimes aligning, both in terms of notification to the Commissioner of alleged misconduct/serious misconduct by senior officials, and in terms of reporting of investigations at year's end.

Would you (or one of your colleagues) be around this afternoon for a quick discussion?

Kind regards
Gareth Derby

Principal Advisor Strategic Advice
Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

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Email Gareth.Derby@ombudsman.parliament.nz | www.ombudsman.parliament.nz

PO Box 10152, Level 7, SolNet House, 70 The Terrace, Wellington



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From: [Emma Shaw](#)
To: [Fran Hook](#); [Callum Butler](#); [Sarah Metwell](#); [Anna Fleming](#)
Cc: [Kate Salmond](#); [Tim Saunders](#); [James McKeown](#); [Amuri Hughey-Cockereil](#)
Subject: RE: Draft report on CE appointment panels
Date: Sunday, 31 August 2025 10:01:54 am
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Good morning all,

Thank you Tim and Callum for writing this up, and doing a brilliant job of it! Here are my thoughts, to add to Fran's:
out of scope



out of scope

- I'm pretty happy with paragraph fourteen about reappointments, with a very minor technical clarification:
 - Prior to 2024, when chief executives were advised of a change to practice, well-performing chief executives had an expectation of reappointment. This was not because their contracts guaranteed them that – they didn't. Their contracts did provide for them to be considered for reappointment. That clause has been removed from the contracts of our newer chief executives and going forward, but because most of our chief executives still have that in their contract, we should be careful about suggesting we were avoiding reappointment discussions prior to 2024 when they were advised of the change to approach (as is implied in the first dot point). You could fix this by just adding the 2024 date at the start.

9(2)(g)(i) free and frank

Happy to talk through tomorrow, if you've any questions

E.

Emma Shaw (she/her)

Manager, Leadership Development and Recruitment

Tutukinga Mahi a te Rāngai Tūmatanui | Public Sector Performance Group

9(2)(a) privacy | **īmēra:** Emma.Shaw@publicservice.govt.nz

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From: Fran Hook <Fran.Hook@publicservice.govt.nz>

Sent: Friday, 29 August 2025 6:01 pm

To: Callum Butler <callum.butler@publicservice.govt.nz>; Emma Shaw <Emma.Shaw@publicservice.govt.nz>; Sarah Metwell <Sarah.Metwell@publicservice.govt.nz>; Anna Fleming <Anna.Fleming@publicservice.govt.nz>

Cc: Kate Salmond <Kate.Salmond@publicservice.govt.nz>; Tim Saunders <Tim.Saunders@publicservice.govt.nz>; James McKeown <James.McKeown@publicservice.govt.nz>; Amuri Hughey-Cockerell <Amuri.Hughey-Cockerell@publicservice.govt.nz>

Subject: RE: Draft report on CE appointment panels

Hi all

Anna and I have had a look and have set out some comments below. Sorry, they are a bit rough as I've run out of time to right up in more detail and am on leave on Monday. Anna and I both in the office on Tuesday.

out of scope

- The section on political neutrality re appointment feels out of place. That policy decision has already been made, and those points might better be addressed to the Committee as part of the departmental report. However, you could note that further amendments to the appointment process could exacerbate the existing concerns and say we don't think this change impacts on political neutrality and we plan to manage this through xyz.

Thanks
Fran

From: Callum Butler <callum.butler@publicservice.govt.nz>
Sent: Wednesday, 27 August 2025 8:20 am
To: Emma Shaw <Emma.Shaw@publicservice.govt.nz>; Sarah Metwell <Sarah.Metwell@publicservice.govt.nz>; Fran Hook <Fran.Hook@publicservice.govt.nz>; Anna Fleming <Anna.Fleming@publicservice.govt.nz>
Cc: Kate Salmond <Kate.Salmond@publicservice.govt.nz>; Tim Saunders <Tim.Saunders@publicservice.govt.nz>
Subject: Draft report on CE appointment panels

Hi all,

As discussed last week, we (Tim) have drafted up a report seeking approval for a change to Sch 7 s3(4)(b) to allow the second person on a panel to be a public service CE: [MoSR 2025-XXXX- REPORT- Public Service Amendment Bill - Minor technical amendment to chief executive appointment panels \(004\).docx](#)

Keen to get any feedback this week - [@Emma Shaw](#) there are a few specific questions/bits that Tim's flagged for your review in there. Aim is to get it to Heather end of this week/early next for her consideration.

Cheers,
Callum

Callum Butler (he/him)
Pou Whakahaere Kaupapa Here | Manager, Policy
Rautaki, Kaupapahere me te Ngākau Pono | Strategy, Policy, and Integrity
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